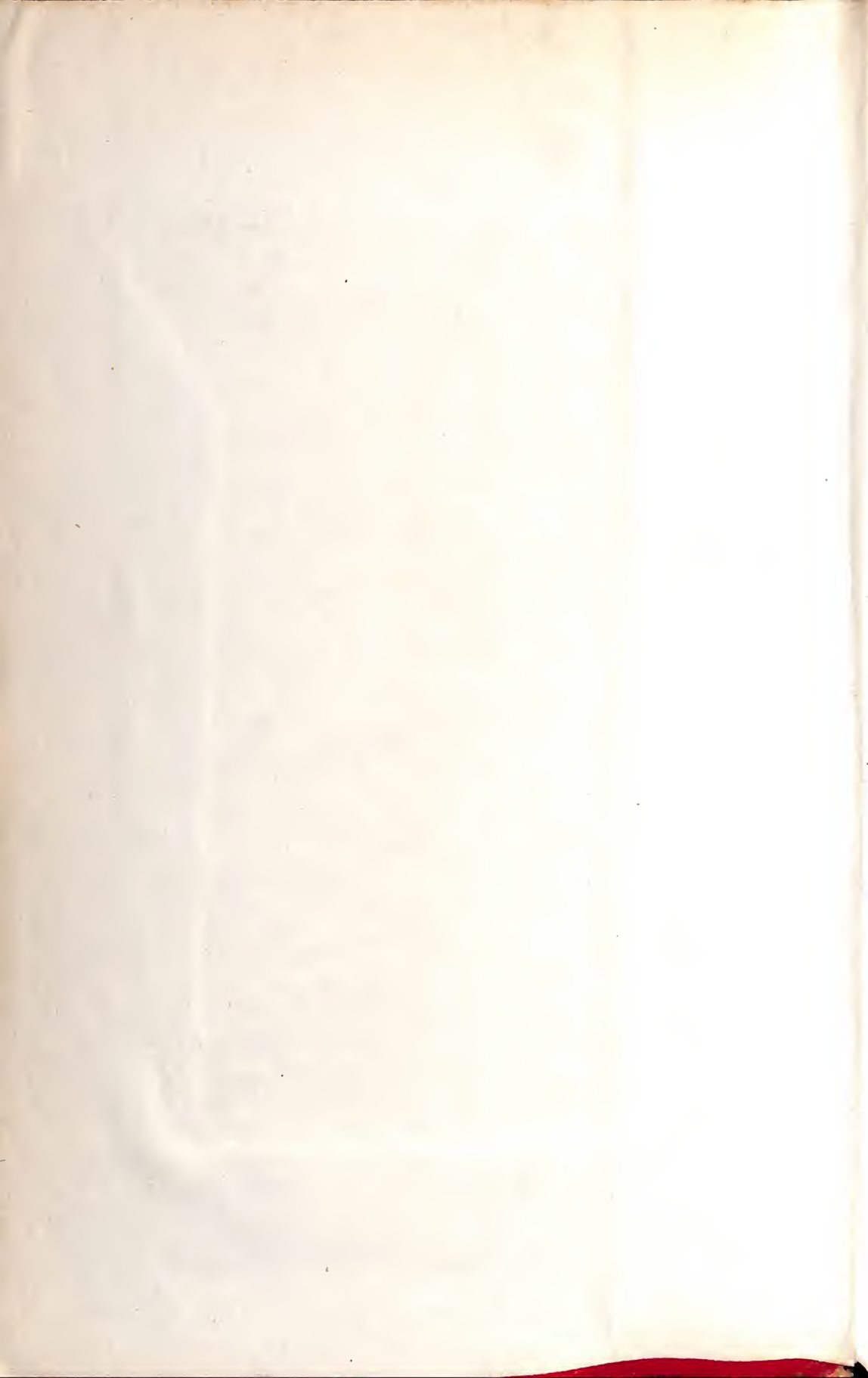
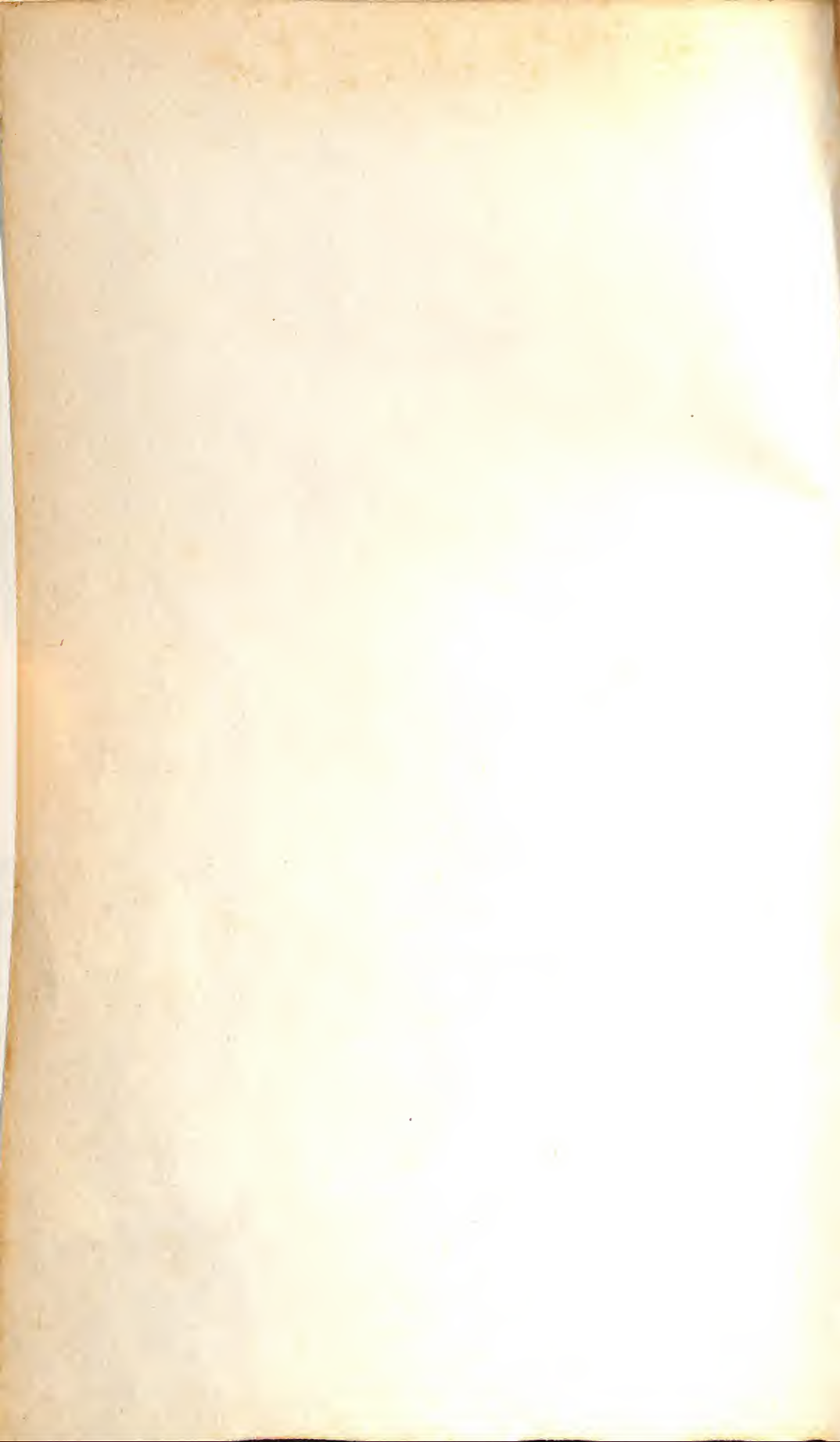


REVISED
ADMINISTRATIVE
CODE OF THE
PHILIPPINE ISLANDS
1934





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REVISED

ADMINISTRATIVE CODE

OF THE

PHILIPPINE ISLANDS, 1934

SUPPLEMENTAL MATERIALS

Including Acts, Executive Orders, and Constitution
1934-1941

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FOREWORD

This compilation of Supplemental Materials to the Revised Administrative Code of the Philippine Islands of 1934 collects into a single volume all the important laws which amend, repeal or add to the 1934 code, and also the pertinent Executive Orders. The materials cover the period from the 1934 edition to the final work of the National Assembly prior to enemy occupation in 1941. For convenience, there is included the text of the Constitution of the Philippine Commonwealth of 1935, and amendments.

The text of the materials is set out as reproduction of the original statutes and orders, preceded by an Outline of Contents keyed to the chapters and sections of the basic Administrative Code of 1934. This list is in effect an outline of the compilation and indicates the code sections which have been affected by subsequent acts or orders, together with the identification of these materials and a reference to the page of this book on which each item appears. The materials are arranged in the order in which they appear in the Outline of Contents; even though a statute affects more than one section, it appears only once in the place where first cited. Tables of the statutes and Executive Orders appear after the Outline of Contents.

This volume is designed to be used in connection with and to serve as a supplement to the 1934 edition of the Administrative Code, and an examination of the Outline of Contents will show whether any original (1934) section has been affected. In addition, it must be kept in mind that many of the governmental agencies and functions set out in the 1934 code were completely changed by the Constitution of 1934 and its amendments.

This Supplement was prepared in the Office of The Judge Advocate General of the Army, with the assistance of the Department of the Interior in the collection and arrangement of the materials.

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[No. 4258]

AN ACT TO AMEND ARTICLE FIVE OF CHAPTER ONE OF
THE REVISED ADMINISTRATIVE CODE

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Article five of Chapter One of the Revised Administrative Code is hereby amended so as to read as follows:

“ARTICLE V.—*Arms and Great Seal*

“ART. 18. *Arms and Great Seal of the Commonwealth of the Philippines.*—The Arms and Great Seal of the Commonwealth of the Philippines are these:

“Arms—Paleways of two pieces, azure and gules; a chief argent studded with three golden stars equidistant from each other; over all the arms of Manila, per fess gules and argent, in chief the castle of Spain or, doors and windows argent, in base a sea lion, or langued and armed gules, in dexter paw a sword hilted or. Crest—The American eagle displayed proper. Beneath, a scroll with the words ‘Commonwealth of the Philippines’ inscribed thereon.

“The Great Seal shall be circular in form, with the arms as described in the last preceding paragraph, but without the scroll and the inscription thereon, and surrounding the whole a double marginal circle within which shall appear the words ‘United States of America,’ ‘Commonwealth of the Philippines,’ the two phrases being divided by two small five-pointed stars. For the purpose of placing the Great Seal, the colors of the arms shall not be deemed essential.

“SEC. 19. *Custody and use of Great Seal.*—The Great Seal shall be and remain in the custody of the President of the Philippines, and shall be affixed to or placed upon all commissions signed by him, and upon such other official documents and papers of the Commonwealth of the Philippines as may by law be provided, or as may be required by custom in the discretion of the President of the Philippines.”

SEC. 2. This Act shall take effect upon its approval.

Approved, November 6. 1935.

[COMMONWEALTH ACT No. 602]

AN ACT TO FURTHER AMEND ARTICLE FIVE OF CHAPTER ONE OF THE ADMINISTRATIVE CODE, AS AMENDED BY ACT NUMBERED FORTY-TWO HUNDRED AND FIFTY-EIGHT, AND TO PROVIDE PENALTIES FOR THE UNLAWFUL USE OF THE ARMS AND GREAT SEAL OF THE GOVERNMENT OF THE PHILIPPINES OR THE COMMISSION OF ANY ACT TO DISHONOR OR RIDICULE THE SAME.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Article five of Chapter One of the Administrative Code, as amended by Act Numbered Forty-two hundred and fifty-eight, is further amended to read as follows:

"ARTICLE V.—Arms and Great Seal

"SEC. 18. Arms of the Philippines and Great Seal of the Government of the Philippines.—The arms of the Philippines and Great Seal of the Government of the Philippines are these:

"Arms—Paleways of two pieces, dexter, azure, and sinister, gules; a chief, white, bearing three mullets, or, dexter, center and sinister; an oval field, white, emblazoning at the honor point the symbolic eight-rayed sun in rayonnant, or, each ray-flanked on both sides by lesser and minor rays, or. Crest—The American eagle proper. The right talon grasping an olive branch with eight leaves, vert, and eight fruits, gules, and the left talon grasping three spears, or. Beneath, a scroll, argent, with the word 'Philippines,' or, inscribed thereon.

"The Great Seal of the Government shall be circular in form, with the arms as described in the last preceding

paragraph, but without the scroll and the inscription thereon, and surrounding the whole a double marginal circle within which shall appear the words 'Government of the Philippines,' 'United States of America,' the two phrases being divided by two small five-pointed stars. For the purpose of placing the Great Seal, the colors of the arms shall not be deemed essential."

"SEC. 19. *Custody and use of Great Seal.*—The Great Seal shall be and remain in the custody of the President of the Philippines, and shall be affixed to or placed upon all commissions signed by him, and upon such other official documents and papers of the Commonwealth of the Philippines as may by law be provided, or as may be required by custom and usage in the discretion of the President of the Philippines."

SEC. 2. Any utterance in speech, writing or drawing, and any act or omission casting dishonor, ridicule, or contempt upon the arms or Great Seal, as well as its use as trademarks and for industrial, commercial or agricultural labels or designs, and any drawings or inscriptions upon the arms or Great Seal are prohibited and their execution shall constitute an offense; and any person who, either by himself or through another, violates any of the provisions of this section shall, upon conviction, be punished by a fine of not less than ten nor more than two hundred pesos, or by imprisonment for not more than six months, or by both.

SEC. 3. This Act shall take effect upon its approval.

Approved, August 19, 1940.

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[COMMONWEALTH ACT NO. 614]

AN ACT AMENDING FURTHER SECTION EIGHTEEN OF THE ADMINISTRATIVE CODE, AS AMENDED BY ACT NUMBERED FORTY-TWO HUNDRED AND FIFTY-EIGHT AND BY COMMONWEALTH ACT NUMBERED SIX HUNDRED AND TWO.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section eighteen of the Administrative Code, as amended by Act Numbered Forty-two hundred and fifty-eight and by Commonwealth Act Numbered Six hundred and two, is further amended to read as follows:

"SEC. 18. *Arms and Great Seal of the Commonwealth of the Philippines*—The Arms and Great Seal of the Commonwealth of the Philippines are these:

"*Arms*.—Paleways of two pieces, azure and gules; a chief argent studded with three golden stars equidistant from each other; over all the arms of Manila, per fess gules and argent, in chief the castle of Spain or, doors and windows argent, in base a sea lion or, langued and armed gules, in dexter paw a sword hilted or. Crest—The American eagle displayed proper. Beneath, a scroll with the words 'Commonwealth of the Philippines' inscribed thereon.

"The Great Seal shall be circular in form, with the arms as described in the last preceding paragraph, but without the scroll and the inscription thereon, and surrounding the whole a double marginal circle within which shall appear the words 'United States of America,' 'Commonwealth of the Philippines,' the two phrases being divided by two small five-pointed stars. For the purpose of placing the Great Seal, the colors of the arms shall not be deemed essential."

SEC. 2. This Act shall take effect upon its approval.

Approved, February 23, 1941.

MALACANAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 313

RULES AND REGULATIONS GOVERNING THE USE OF THE COAT-OF-
ARMS OF THE PHILIPPINES AND THE GREAT SEAL OF THE
GOVERNMENT AS AUTHORIZED IN COMMONWEALTH ACT NO.
602.

In order to obtain uniformity in the design and proper use of the Coat-of-Arms of the Philippines for official purposes, as authorized in Commonwealth Act No. 602, and to make uniform the various seals of the different government entities, I, Manuel L. Quezon, President of the Philippines, by virtue of the powers vested in me by law, do hereby promulgate the following rules and regulations for the guidance and observation of the corresponding government authorities and everybody concerned:

A. THE NATIONAL COAT-OF-ARMS

1. The national Coat-of-Arms is as follows:

(a) *Arms*: Paleways of two pieces, dexter (right), azure (blue), and sinister (left), gules (red); a chief, white, bearing three mullets (five-pointed stars), or (gold), dexter (right), center and sinister (left); an oval field, white, emblazoning at the honor point the symbolic eight-rayed sun in rayonnant, or (gold), each ray-flanked on both sides by lesser and minor rays, or (gold). This is the Coat-of-Arms proper of the Philippines.

(b) *Crest*: The American eagle proper. The right talon grasping an olive branch with eight leaves, vert (green), and eight fruits, gules (red), and the left

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talon grasping three spears, or (gold). This is the symbol of American sovereignty.

(c) *Scroll*: Beneath, a scroll, argent (silver), with the word "Philippines," or (gold), inscribed thereon. The scroll shall be placed just below but without touching the seal proper. (See accompanying illustrations.)

B. OTHER LOCAL COAT-OF-ARMS

2. Upon recommendation of the Philippines Heraldry Committee created by Executive Order No. 310, dated December 4, 1940, and subject to the approval of the President, provinces and chartered cities are hereby authorized to adopt and use their own Coat-of-Arms, showing local heraldry—geographical, industrial or historical characteristics which would distinguish them from other parts of the country: *Provided*, That those already granted and in use during the Spanish regime, like the Coat-of-Arms of Manila, may be retained.

C. THE GREAT SEAL OF THE GOVERNMENT

3. The Great Seal of the Government shall be circular in form, with the arms as described in paragraph 1 hereof, but without the scroll and the inscription thereon, and surrounding the whole a double marginal circle within which shall appear in the upper portion the words "Government of the Philippines," and in the lower portion, "United States of America," the two phrases being divided by two small five-pointed stars. For the purpose of placing the Great Seal, the colors of the arms shall not be deemed essential. (See accompanying design.)

4. The Great Seal shall be and remain in the custody of the President of the Philippines, and shall be affixed to or placed upon all commissions signed by him, and upon such other official documents and papers of the Commonwealth of the Philippines as may by law be provided, or as may be required by custom and usage in the discretion of the President of the Philippines.

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D. OTHER SEALS

5. The official seals of the Congress of the Philippines, the Supreme Court, and the various Departments shall be similar to the Great Seal, except in the wording around the ring, their size not to exceed $\frac{7}{8}$ of the Great Seal, or $2\frac{3}{4}$ inches in diameter.

6. (a) The official seals of the Court of Appeals and the other courts, commissions, bureaus and other government offices or entities shall contain the Coat-of-Arms proper without the crest or scroll; and around the ring, the name of the government entity. Their size shall not exceed $\frac{2}{3}$ of the Great Seal, or 2 inches in diameter.

(b) If authorized by law, provinces, cities, municipalities or other political subdivisions shall be entitled to keep appropriate seals which shall be considered as their corporate or official seals. Such seals shall be in accordance with the requirements prescribed in subparagraph (a) of paragraph 6 hereof: *Provided*, That the local coat-of-arms prescribed in paragraph 2 hereof may be emblazoned in their seals.

7. The administrative seals of the various departments, bureaus and other offices, provinces, cities, municipalities and other political subdivisions, commonly used on papers of routine internal administration, are only ordinary *office seals* and not the official or corporate seals, and shall not, therefore, bear the Coat-of-Arms of the Government.

E. COAT-OF-ARMS OR GREAT SEALS IN PERSONAL FLAGS

8. Only the personal flag of the President of the Philippines shall bear the national Coat-of-Arms in full colors.

9. Personal flags, if and when authorized for other officials of the Government, shall display in the center the seal device of the corresponding Department.

F. USE OF NATIONAL COAT-OF-ARMS AND GOVERNMENT SEALS

10. The national Coat-of-Arms, if and when used as insignia of the armed forces, shall be as prescribed in Commonwealth Act No. 602 without any modification whatsoever; but proper heraldic designs as embellishment or supports are authorized. Only in cap, helmet, hat or coat

lapels of the armed forces may the Coat-of-Arms be used and never as belt badges.

11. The Coat-of-Arms shall not be used as a background for police badges, except that the shield proper only may be used, without the crest, having a scroll bearing the name of the city or municipality, and with or without heraldic embellishment or support.

12. Government vessels—except tugboats, cascos, dredges or any watercraft for marine labor—and government planes may use the Coat-of-Arms in full colors, gold or silver as required by regulations of the different departments.

13. (a) The Coat-of-Arms of the Philippines shall not be painted on government cars or railway coaches, except on those personally or officially used by the President of the Philippines, which shall be in full colors, and on those officially used by the Vice-President, the President of the Senate, the Speaker of the House of Representatives and the Chief Justice of the Supreme Court, which shall be in silver.

(b) If used in plate-numbers to indicate government ownership, outline form of the shield only without any emblazoning is sufficient.

14. The use of the Coat-of-Arms and the Great Seal in Philippine coins or Philippine currency of any kind shall be by authority of the President of the Philippines.

15. (a) The use of the Coat-of-Arms in letterheads and envelopes shall be for official purposes only; and any use thereof by any government employee for private or personal correspondence shall be dealt with administratively.

(b) The national Coat-of-Arms shall not be used in personal stationary, name cards, or greetings cards, except in those of the President of the Philippines, the Vice-President, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court, in full colors (gold, silver or dry seal as may be directed) in case of the President of the Philippines; in dry seal, gold or silver in case of others herein authorized.

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(c) The national Coat-of-Arms proper, without the crest and the scroll, may be used in the personal stationery of members of the Cabinet, members of the Congress of the Philippines, judges of any court of record, commissioners, generals of the armed forces, bureau directors, provincial governors and city mayors.

16. The use of the national Coat-of-Arms and the Great Seal as trade-marks, advertisements, or labels for commercial, industrial or agricultural purposes by private persons, corporations or associations, and the printing or stamping of the same on articles or commodities intended for sale, barter or exchange, shall be prohibited and any violation thereof shall be punishable according to the provisions of section 2 of Commonwealth Act No. 602.

17. The display or use of the national Coat-of-Arms or the Great Seal in cockpits, clubhouses or buildings dedicated to gambling of any kind, public dance halls, dancing schools and show-houses shall also be prohibited, and a violation thereof shall be dealt with as provided in section 2 of Commonwealth Act No. 602.

18. When the Coat-of-Arms and the Great Seal of the Philippines are used in the interior of private residences and/or commercial houses as national decorations, they shall, like the national flag, occupy a place of prominence.

Done at the City of Manila, this twenty-third day of December, in the year of Our Lord, nineteen hundred and forty, and of the Commonwealth of the Philippines, the sixth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 341

REVISING THE RULES AND REGULATIONS GOVERNING THE USE OF
THE COAT-OF-ARMS OF THE PHILIPPINES AND THE GREAT
SEAL OF THE GOVERNMENT.

In order to obtain uniformity in the design and proper use of the Coat-of-Arms of the Philippines for official purposes, as authorized in Commonwealth Act No. 602, as amended by Commonwealth Act No. 614, and to make uniform the various seals of the different government entities, I, Manuel L. Quezon, President of the Philippines, by virtue of the powers vested in me by law, do hereby promulgate the following rules and regulations for the guidance and observance of the corresponding government authorities and everybody concerned:

A.—The National Coat-of-Arms

1. The National Coat-of-Arms is as follows:

(a) *Arms*: Paleways of two pieces, azure (blue) and gules (red); a chief argent (silver) studded with three golden stars equidistant from each other; over all the arms of Manila, per fess gules (red) and argent (silver), in chief the castle of Spain or (gold), doors and windows argent (silver), in base a sea lion or (gold), langued and armed gules (red), in dexter (right) paw a sword hilted or (gold). This is the Coat-of-Arms proper of the Philippines.

(b) *Crest*: The American eagle displayed proper. This is the symbol of American sovereignty.

(c) *Scroll*: Beneath, a scroll with the words "Commonwealth of the Philippines" inscribed thereon. The scroll shall be placed just below but without touching the seal proper.

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B.—Other Local Coat-of-Arms

2. Upon recommendation of the Philippine Heraldry Committee created by Executive Order No. 310, dated December 4, 1940, and subject to the approval of the President, provinces and chartered cities are hereby authorized to adopt and use their own Coat-of-Arms, showing local heraldry—geographical, industrial or historical characteristics which would distinguish them from other parts of the country: *Provided*, That those already granted and in use during the Spanish régime, like the Coat-of-Arms of Manila, may be retained.

C.—The Great Seal of the Government

3. The Great Seal of the Government shall be circular in form, with the arms as described in paragraph 1 hereof, but without the scroll and the inscription thereon, and surrounding the whole as double a marginal circle within which shall appear in the upper portion the words "Commonwealth of the Philippines," and in the lower portion, "United States of America," the two phrases being divided by two small five-pointed stars. For the purpose of placing the Great Seal, the colors of the arms shall not be deemed essential.

4. The Great Seal shall be and remain in the custody of the President of the Philippines, and shall be affixed to or placed upon all commissions signed by him, and upon such other official documents and papers of the Commonwealth of the Philippines as may by law be provided, or as may be required by custom and usage in the discretion of the President of the Philippines.

D.—Other Seals

5. The official seals of the Congress of the Philippines, the Supreme Court, and the various Departments shall be similar to the Great Seal, except in the wording around the ring, their size not to exceed $\frac{7}{8}$ of the Great Seal, or $2\frac{3}{4}$ inches in diameter.

6. (a) The official seals of the Court of Appeals and the other courts, commissions, bureaus and other government

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offices or entities shall contain the Coat-of-Arms proper without the crest or scroll; and around the ring, the name of the government entity. Their size shall not exceed 2/3 of the Great Seal, or 2 inches in diameter.

(b) If authorized by law, provinces, cities, municipalities or other political subdivisions shall be entitled to keep appropriate seals which shall be considered as their corporate or official seals. Such seals shall be in accordance with the requirements prescribed in subparagraph (a) of paragraph 6 hereof: *Provided*, That the local coat-of-arms prescribed in paragraph 2 hereof may be emblazoned in their seals.

7. The administrative seals of the various departments, bureaus and other offices, provinces, cities, municipalities and other political subdivisions, commonly used on papers of routine internal administration, are only ordinary *office seals* and not the official or corporate seals, and shall not, therefore, bear the Coat-of-Arms of the Government.

E.—Coat-of-Arms or Great Seals in Personal Flags

8. Only the personal flag of the President of the Philippines shall bear the national Coat-of-Arms in full colors.

9. Personal flags, if and when authorized for other officials of the Government, shall display in the center the seal device of the corresponding Department.

F.—Use of National Coat-of-Arms and Government Seals

10. The national Coat-of-Arms, if and when used as insignia of the armed forces, shall be as prescribed in Commonwealth Act No. 602, as amended by Commonwealth Act No. 614, without any modification whatsoever; but proper heraldic designs as embellishment or supports are authorized.

11. The Coat-of-Arms shall not be used as a background for police badges, except that the shield proper only may be used, without the crest, having a scroll bearing the name of the city or municipality, and with or without heraldic embellishment or support.

12. Government vessels—except tugboats, cascos, dredges or any watercraft for marine labor—and government planes may use the Coat-of-Arms in full colors, gold or silver as required by regulations of the different departments.

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13. (a) The Coat-of-Arms of the Philippines shall not be painted on government cars or railway coaches, except on those personally or officially used by the President of the Philippines, which shall be in full colors, and on those officially used by the Vice-President, the President of the Senate, the Speaker of the House of Representatives and the Chief Justice of the Supreme Court, which shall be in silver.

(b) If used in plate-numbers to indicate government ownership, outline form of the shield only without any emblazoning is sufficient.

14. The use of the Coat-of-Arms and the Great Seal in Philippine coins or Philippine currency of any kind shall be by authority of the President of the Philippines.

15. (a) The use of the Coat-of-Arms in letterheads and envelopes shall be for official purposes only; and any use thereof by any government employee for private or personal correspondence shall be dealt with administratively.

(b) The national Coat-of-Arms shall not be used in personal stationery, name cards, or greetings cards, except in those of the President of the Philippines, the Vice-President, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court, in full colors (gold, silver or dry seal as may be directed) in case of the President of the Philippines; in dry seal, gold or silver in case of others herein authorized.

(c) The national Coat-of-Arms proper, without the crest and the scroll, may be used in the personal stationery of members of the Cabinet, members of the Congress of the Philippines, judges of any court of record, commissioners, generals of the armed forces, bureau directors, provincial governors and city mayors.

16. The use of the national Coat-of-Arms and the Great Seal as trade-marks, advertisements, or labels for commercial, industrial or agricultural purposes by private persons, corporations or associations, and the printing or stamping of the same on articles or commodities intended for sale, barter or exchange, shall be prohibited and any violation thereof shall be punishable according to the provisions of section 2 of Commonwealth Act No. 602.

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17. The display or use of the national Coat-of-Arms or the Great Seal in cockpits, clubhouses or buildings dedicated to gambling of any kind, public dance halls, dancing schools and show-houses shall also be prohibited, and a violation thereof shall be dealt with as provided in section 2 of Commonwealth Act No. 602.

18. When the Coat-of-Arms and the Great Seal of the Philippines are used in the interior of private residences and/or commercial houses as national decorations, they shall, like the national flag, occupy a place of prominence.

Executive Order No. 313, dated December 23, 1940, is hereby revoked.

Done at the City of Baguio, this third day of May, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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[COMMONWEALTH ACT NO. 270]

AN ACT TO AMEND SECTION TWENTY-ONE OF
THE ADMINISTRATIVE CODE

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section twenty-one of the Administrative Code, is amended so as to read as follows:

"SEC. 21. *Officials authorized to administer oaths.*—The following officers have general authority to administer oaths, to wit:

"Notaries public; judges, justice of the peace, and auxiliary justices of the peace; clerks of courts; the Secretary of the National Assembly; bureau directors; registers of deeds; provincial governors and lieutenant-governors; mayors; any other officer in the Philippine service whose appointment is vested in the President of the Philippines, Secretary of War, or President of the United States. A person who by authority of law shall act in the capacity of any of the officers mentioned above shall possess the same power."

SEC. 2. This Act shall take effect on its approval.

Approved, June 2, 1938.

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[COMMONWEALTH ACT No. 641]

AN ACT TO AMEND SECTION TWENTY-ONE OF
THE ADMINISTRATIVE CODE AS AMENDED BY
COMMONWEALTH ACT NUMBERED TWO HUN-
DRED AND SEVENTY.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section twenty-one of the Administrative Code, as amended by Commonwealth Act Numbered Two hundred and seventy, is amended to read as follows:

"SEC. 21. *Officials authorized to administer oath.*—The following officers have general authority to administer oaths, to wit:

"Notaries public; justices of the peace, and auxiliary justices of the peace; clerks of courts, the Secretary of the National Assembly; bureau directors; registers of deeds; provincial governors and lieutenant-governors; city mayors; municipal mayors; municipal district mayors; any other officer in the Philippine service whose appointment is vested in the President of the Philippines, Secretary of War, or President of the United States. A person who by authority of law shall act in the capacity of the officers mentioned above shall possess the same power."

SEC. 2. This Act shall take effect on its approval.

Approved, June 11, 1941.

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 13

ABOLISHING THE MUNICIPAL DISTRICTS OF AMPUSUNGAN AND
TAUIT AND ANNEXING THEM AS BARRIOS TO THE MUNICI-
PAL DISTRICTS OF BAKUN AND LUNA, RESPECTIVELY, MOUN-
TAIN PROVINCE.

Upon the recommendation of the provincial board of the
Mountain Province, concurred in by the Director of the
Bureau of Non-Christian Tribes and the Secretary of the
Interior, and pursuant to the provisions of section sixty-
eight of the Revised Administrative Code, the municipal
districts of Ampusungan and Tautit are hereby abolished
and annexed as barrios to the municipal districts of Bakun
and Luna, Mountain Province, respectively.

The municipal district of Bakun shall consist of its pres-
ent territory plus the barrio of Ampusungan.

The municipal district of Luna shall consist of its pres-
ent territory plus the barrio of Tautit.

The reorganization herein made shall take effect on
February first, nineteen hundred and thirty-six.

Done at the City of Manila, this twenty-first day of Jan-
uary, in the year of Our Lord, nineteen hundred and thirty-
six, and of the Commonwealth of the Philippines, the first.

[SEAL]

MANUEL L. QUEZON

President of the Philippines

By the President:

TEOFILO SISON

Secretary of the Interior

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 15

ABOLISHING THE BARRIO OF CAWA-CAWA, MUNICIPALITY OF ZAMBOANGA, PROVINCE OF ZAMBOANGA, AND ORGANIZING THE SITIO OF PUNTA GABILAN, SAID MUNICIPALITY, INTO AN INDEPENDENT BARRIO UNDER THE NAME OF PUNTA GABILAN.

Upon petition of the municipal council of Zamboanga, Zamboanga, and recommendation of the provincial board of said province, concurred in by the Director of the Bureau of Non-Christian Tribes and the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the barrio of Cawa-Cawa, municipality of Zamboanga, Province of Zamboanga, is hereby abolished, and the sitio of Punta Gabilan in said municipality, together with the territory comprising the barrio herein abolished, is hereby organized into an independent barrio under the name of Punta Gabilan.

The changes herein made shall take effect on March first, nineteen hundred and thirty-six.

Done at the City of Manila, this third day of February, in the year of Our Lord, nineteen hundred and thirty-six, and of the Commonwealth of the Philippines, the first.

MANUEL L. QUEZON

President of the Philippines

By the President:

TEOFILO SISON

Secretary of the Interior

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 37

ORGANIZING THE MUNICIPAL DISTRICTS OF KOLAMBUGAN AND BURUUN, PROVINCE OF LANAŌ, INTO AN INDEPENDENT MUNICIPALITY UNDER THE NAME OF KOLAMBUGAN.

Upon the recommendation of the provincial board of Lanao, concurred in by the Director of the Bureau of non-Christian Tribes and the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the Municipal Districts of Kolambugan and Buruun, Province of Lanao, are hereby organized into an independent municipality under the name of Kolambugan, with the seat of government at the barrio of Kolambugan.

The reorganization herein made shall take effect on July first, nineteen hundred and thirty-six.

Done at the City of Manila, this fourth day of June, in the year of our Lord, nineteen hundred and thirty-six, and of the Commonwealth of the Philippines, the first.

MANUEL L. QUEZON
President of the Philippines

By the President:

ELPIDIO QUIRINO
Secretary of the Interior

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 51

ORGANIZATION OF CERTAIN SITIOS IN THE MUNICIPALITY OF
POLILLO, TAYABAS, INTO AN INDEPENDENT BARRIO UNDER
THE NAME OF MAGDALO.

Upon the recommendation of the provincial board of Tayabas and the Honorable, the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the Sitios of Anibawan, Bolabod, Bulubalik, Bungliew, Kabuñgalunan, Karlagan, and Pina-visagan of the Barrio of Aluyon, Municipality of Polillo, Tayabas, are hereby separated from said barrio and organized into an independent barrio under the name of Magdalo.

The organization herein made shall take effect on September first, nineteen hundred and thirty-six.

Done at the City of Manila, this thirty-first day of August, in the year of Our Lord, nineteen hundred and thirty-six, and of the Commonwealth of the Philippines, the first.

MANUEL L. QUEZON

President of the Philippines

By the President:

ELPIDIO QUIRINO

Secretary of the Interior

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 56

ORGANIZING THE BARRIOS OF DANAWIN AND KILBAY, MUNICIPALITY OF RAGAY, CAMARINES SUR, INTO AN INDEPENDENT MUNICIPALITY, UNDER A NAME TO BE DECIDED UPON BY THE INHABITANTS THEREOF THROUGH A PLEBISCITE, WITH THE SEAT OF GOVERNMENT IN THE BARRIO OF DANAWIN.

Upon the recommendation of the provincial board of Camarines Sur, the Honorable Francisco Celebrado, Assemblyman for the First District of Camarines Sur, and the Honorable, the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the thirty-one municipalities of the Province of Camarines Sur as established by section thirty-eight of the said Revised Administrative Code, are hereby increased to thirty-two by separating the Barrios of Danawin and Kilbay from the present Municipality of Ragay, and organizing the same into an independent municipality, under a name to be decided upon by the inhabitants thereof through a plebiscite, with the seat of government at the Barrio of Danawin, subject to the condition that the municipality, as herein organized, shall assume its proportionate share of the obligation of repaying the loan previously contracted by the Municipality of Ragay.

The Municipality of Ragay shall consist of its present territory less the territory comprised in the Barrios of Danawin and Kilbay. The new municipality shall consist of the territory comprised in the Barrios of Danawin and Kilbay.

The organization herein made shall take effect on January first, nineteen hundred and thirty-seven.

Done at the City of Manila, this fifth day of October, in the year of Our Lord, nineteen hundred and thirty-six, and of the Commonwealth of the Philippines, the first.

MANUEL L. QUEZON

President of the Philippines

By the President:

ELPIDIO QUIRINO

Secretary of the Interior

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 59

TRANSFERRING THE SEAT OF GOVERNMENT OF THE MUNICIPAL DISTRICT OF KABASALAN, ZAMBOANGA, FROM ITS PRESENT LOCATION AT THE BARRIO OF NAGA TO THE BARRIO OF KABASALAN.

Upon the recommendation of the provincial board of Zamboanga, concurred in by the Director of the Bureau of non-Christian Tribes and the Honorable, the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the seat of government of the Municipal District of Kabasalan, Province of Zamboanga, as organized under Executive Order Numbered One hundred thirty-five, series of nineteen hundred and twenty-eight, of the Governor-General, is hereby transferred from its present location at Naga to the Barrio of Kabasalan, said municipal district.

The transfer herein made shall take effect on November fifteenth, nineteen hundred and thirty-six.

Done at the City of Manila, this twenty-first day of October, in the year of Our Lord, nineteen hundred and thirty-six, and of the Commonwealth of the Philippines, the first.

MANUEL L. QUEZON
President of the Philippines

By the President:

ELPIDIO QUIRINO
Secretary of the Interior

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 64

ORGANIZING THE MUNICIPAL DISTRICTS OF MALITA AND PANTUKAN, PROVINCE OF DAVAO, INTO INDEPENDENT MUNICIPALITIES UNDER THE NAMES OF MALITA AND PANTUKAN, WITH THE SEATS OF GOVERNMENT IN THE BARRIOS OF MALITA AND PANTUKAN.

Upon the recommendation of Honorable Romualdo Quimpo, Assemblyman from the Province of Davao, and the Honorable, the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the six municipalities of the Province of Davao are hereby increased to eight by organizing the Municipal Districts of Malita and Pantukan into independent municipalities under the names of Malita and Pantukan, with the seats of government on the Barrios of Malita and Pantukan.

The Municipality of Malita shall consist of the territory comprised in the Barrios of Malita, Lais, Talaguton, Lawa, Lawayon, Kalian, Lacaron, Tubalon, and Basiauan. The Municipality of Pantukan shall consist of the Barrios of Kingking, Pantukan, Cuambog, Tangnanan, Pindasan, Matiao, Bongbong, and Magnaga.

The organization herein made shall take effect on January first, nineteen hundred and thirty-seven.

Done at the City of Manila, this thirteenth day of November, in the year of Our Lord, nineteen hundred and thirty-six, and of the Commonwealth of the Philippines, the first.

MANUEL L. QUEZON
President of the Philippines

By the President:

ELPIDIO QUIRINO

Secretary of the Interior

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 65

ORGANIZING THE BARRIO OF BUENAVISTA, TOGETHER WITH THE SITIOS BELONGING TO THE SAID BARRIO, MUNICIPALITY OF BUTUAN, AGUSAN, INTO AN INDEPENDENT MUNICIPALITY, UNDER THE NAME OF BUENAVISTA, WITH THE SEAT OF GOVERNMENT IN THE BARRIO OF BUENAVISTA.

Upon the recommendation of Honorable Apolonio D. Curato, Assemblyman for Agusan, and the Honorable, the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the five municipalities of the Province of Agusan are hereby increased to six by separating the Barrio of Buenavista, together with the sitios belonging to the said barrio from the present Municipality of Butuan, and organizing the same into an independent municipality, under the name of Buenavista, with the seat of government at the Barrio of Buenavista.

The Municipality of Butuan shall consist of its present territory less the territory comprised in the Barrio of Buenavista, together with the sitios belonging to the said barrio. The new municipality shall consist of the territory comprised in the Barrio of Buenavista, together with the sitios belonging to the said barrio.

The organization herein made shall take effect on January first, nineteen hundred and thirty-seven.

Done at the City of Manila, this nineteenth day of November, in the year of Our Lord, nineteen hundred and thirty-six, and of the Commonwealth of the Philippines, the second.

MANUEL L. QUEZON

President of the Philippines

By the President:

ELPIDIO QUIRINO

Secretary of the Interior

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BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 66

ORGANIZING THE MUNICIPAL DISTRICTS OF DAGUMA, ISULAN, MAGANUY, REINA REGENTE, TALAYAN, AND THE SOUTHERN PORTION OF THE MUNICIPAL DISTRICT OF DULAWAN AND THE MUNICIPAL DISTRICT OF LIBUÑGAN AND THE NORTHERN PORTION OF THE MUNICIPAL DISTRICT OF DULAWAN, PROVINCE OF COTABATO, INTO INDEPENDENT MUNICIPALITIES UNDER THE NAMES OF DULAWAN AND MIDSAYAP.

Upon the recommendation of the provincial board of Cotabato, concurred in by the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the one municipality of the Province of Cotabato is hereby increased to three by organizing the Municipal Districts of Daguma, Isulan, Maganuy, Reina Regente, Talayan, and the southern portion of Dulawan (consisting of the territory bounded on the north by the north bank of the Cotabato River; on the east beginning from the mouth of the Dansalan River to the junction of the Maitumig and Kabilanan Rivers; on the south by a straight line from the junction of the Maitumig and Kabilanan Rivers running in a northwesterly direction to a point 500 meters east of the Talayan Market; on the west by a straight line in a northeasterly direction to B. L. monument No. 7 on the south bank of the Cotabato River and thence to the north bank of the Cotabato River), and the Municipal District of Libuñgan and the northern portion of the Municipal District of Dulawan (consisting of the territory bounded on the north by the Libuñgan River; on the east by a straight line running north and south from the Libuñgan River, on the north to the Cotabato River, on the south said line being tangent to the extreme western boundary of Agricultural Colony No. 2; from this point where this line touches the Cotabato River, the boundary line shall run generally west along the north bank of the Cotabato River until it reaches a straight line running approximately

northeast skirting the eastern shore of Lake Labas to the Libuñgan River) of said province into independent municipalities under the names of Dulawan and Midsayap, with the seats of government in the Barrios of Dulawan and Midsayap.

The Municipality of Dulawan shall consist of the territory at present comprised within the Municipal Districts of Daguma, Isulan, Maganuy, Reina Regente, Talayan, and the southern portion of the Municipal District of Dulawan. The said Municipality of Dulawan as herein organized shall be comprised of the following barrios: (1) Bual, (2) Laguilayan, (3) Sagabay, (4) Kapaya, (5) Natubak, (6) Dukay, (7) Buluan, (8) Daguma, (9) Tuka Mapayag, (10) Dansuli, (11) Dimaigal, (12) Mapadtig, (13) Tabulul, (14) Maradika, (15) Tambak, (16) Sipaka, (17) Bambad, (18) Kalandangan, (19) Kamasi, (20) Kapinpilan, (21) Kayakaya, (22) Laguilayan, (23) Minaga-na-Kahar, (24) Talata, (25) Kulalu, (26) Maganuy, (27) Guinibon, (28) Kauran, (29) Banga, (30) North Kakal, (31) South Kakal, (32) Dimallao, (33) Binabasan, (34) Maitumig-Sampao, (35) Mao, (36) Tuka, (37) Malatimon, (38) Talata-Maitumig, (39) Dansalan, (40) Dawan, (41) Inas-Baital, (42) Tabuñgao, (43) Tinungkup, (44) Barorao, (45) Romakotok, (46) Kimalong, (47) Pinguianan, (48) West Malipolok, (49) Kayopon, (50) Sisiman, (51) Sapakan, (52) Gadoñgan, (53) Idseneben, (54) Pidsandawan No. 1, (55) East Malipolok, (56) Ponol, (57) Batang, (58) Ahan, (59) Kidati, (60) Sampao, (61) Timbangan, (62) Tagueneken, (63) Talayan, (64) Upper-Bagong, (65) Upper Bagan, (66) North Tapi-kan, (67) Satan, (68) Mangapang, (69) Brar, (70) Kitango, (71) Labo-Labo, (72) Lower-Bagan, (73) West Maliñgao, (74) Lower-Bagong, (75) East Tapi-kan, (76) Andavit, (77) Bakat, (78) Balong, (79) Dulawan (central); (80) Gadung, (81) Canta, (82) Inugog, (83) Kinudal, (84) Libutan, (85) Linantangan, (86) Liong, (87) Limbay, (88) Nunangan, (89) Paguitin, (90) Sumalang, (91) Tukanalipao, (92) Katibpuan, (93) Kitaño, (94) Pidsandawan No. 2, (95) Bagan, (96) Damabalas, (97) Duaminaña, (98) Balanaken, (99) Pantikan, (100) Dado, (101) Bagong, (102) Linamonan, (103) Tina and (104) Makasendeg.

The Municipality of Midsayap shall consist of the territory at present comprised within the Municipal District of Libuñgan and the northern portion of the Municipal District of Dulawan. The said Municipality of Midsayap as herein organized shall be comprised of the following barrios: (1) Baluguan, (2) Baugani-Amayagar, (3) Bugunkuñgen, (4) Kakar, (5) Kulamian, (6) Kulimpaña, (7) Lumuyun, (8)

Libunġan No. 1, (9) Malaguan, (10) Malatung, (11) Maluan, (12) Mipapan, (13) Mikutu, (14) Nika'an, (15) Paku, (16) Paliku, (17) Pigkawayan, (18) Balaguan, (19) Ti-bawan, (20) Sinumuran, (21) Diġananen, (22) Tiyulaon, (23) Malagakit, (24) Sinsimen, (25) Kadiġilan, (26) Tula-Tula, (27) Sinawiġan, (28) Balakayon, (29) Banukaguen, (30) Lumuluas, (31) Misumbak, (32) Bambanen, (33) Bul-kaon, (34) Kapaġgit, (35) Panaten, (36) Kapayuran, (37) Pilubedan, (38) Paġgankalan, (39) Bayabao, (40) Baguer, (41) Tugar, (42) Manuaġgan, (43) Muntay No. 1, (44) Midsayap (central), (45) Lumupog, (46) Kapinpilan, (47) Glad, (48) Patindeguen, (49) Nas, (50) Makasendeg, (51) Togal, (52) Labas, (53) Misawa, (54) Olandang, (55) Ba-lanaken, (56) Bunga, (57) Kebaladao, (58) Salunayan, (59) Katingawan, (60) Bulanan, (61) Bual, (62) Libunġan No. 2, (63) Kudaraġgan, (64) Sambulawan, (65) Malingau, (66) Muntay No. 2, (67) Tomeras, (68) Navalaoag, (69) Damatolang, (70) Tuka, and (71) Dagutem.

The organization herein made shall take effect on Jan-uary first, nineteen hundred and thirty-seven.

Done at the City of Manila, this twenty-fifth day of No- vember, in the year of Our Lord, nineteen hundred and thirty-six, and of the Commonwealth of the Philippines, the second.

MANUEL L. QUEZON
President of the Philippines

By the President:

ELPIDIO QUIRINO
Secretary of the Interior

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 69

TRANSFERRING THE SEAT OF THE MUNICIPAL DISTRICT GOVERNMENT OF BONGAO, PROVINCE OF SULU, FROM ITS PRESENT LOCATION AT BONGAO TO THE BARRIO OF BATOBATO.

Upon the recommendation of the provincial board of Sulu in its resolution numbered three hundred six, current series, concurred in by the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the seat of the Municipal District government of Bongao, said province, is hereby transferred from its present location at Bongao to the Barrio of Batobato.

The transfer herein made shall take effect on January first, nineteen hundred and thirty-seven.

Done at the City of Manila, this second day of December, in the year of Our Lord, nineteen hundred and thirty-six, and of the Commonwealth of the Philippines, the second.

MANUEL L. QUEZON
President of the Philippines

By the President:

ELPIDIO QUIRINO
Secretary of the Interior

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 70

ORGANIZING THE SITIO OF LACA, BARRIO OF KINAGBAAN, JAGNA, BOHOL, INTO AN INDEPENDENT BARRIO UNDER THE SAME NAME.

Upon the petition of the inhabitants of the Sitio of Laca and the recommendation of the provincial board of Bohol and the Honorable, the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, said sitio is hereby segregated from the Barrio of Kinagbaan, Municipality of Jagna, Bohol, and organized into an independent barrio under the name of Laca.

The organization herein made shall take effect on January first, nineteen hundred and thirty-seven.

Done at the City of Manila, this second day of December, in the year of Our Lord, nineteen hundred and thirty-six, and of the Commonwealth of the Philippines, the second.

MANUEL L. QUEZON

President of the Philippines

By the President:

ELPIDIO QUIRINO

Secretary of the Interior

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 77

ORGANIZING THE TEN MUNICIPAL DISTRICTS IN THE PROVINCE
OF ZAMBOANGA INTO FIVE MUNICIPALITIES

Upon the recommendation of the Honorable, the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the municipal districts of Sindangan, Panganuran, Labangan, Dinas, Sibuko, Sirawal, Margosatubig, Malangas, Kabasalan, and Bañgaan, Province of Zamboanga, are hereby organized into five independent municipalities as follows:

The municipality of Sindangan shall consist of the territory comprised in the present municipal districts of Sindangan and Panganuran, with the seat of government in the barrio of Sindangan.

The municipality of Pagadian shall consist of the territory composed in the present municipal districts of Labangan and Dinas, with the seat of government in the barrio of Pagadian;

The municipality of Siocon shall consist of the territory comprised in the present municipal districts of Sibuko and Sirawal, with the seat of government in the barrio of Siocon;

The municipality of Margosatubig shall consist of the territory comprised in the present municipal districts of Margosatubig and Malangas, with the seat of government in the barrio of Margosatubig;

The municipality of Kabasalan shall consist of the territory comprised in the present municipal districts of Kabasalan and Bañgaan, with the seat of government in the barrio of Kabasalan.

The reorganization herein made shall take effect on January first, nineteen hundred and thirty-seven.

Done at the City of Manila this twenty-third day of December, in the year of Our Lord, nineteen hundred and thirty-six, and of the Commonwealth of the Philippines, the second.

MANUEL L. QUEZON
President of the Philippines

By the President:
ELPIDIO QUIRINO
Secretary of the Interior

MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 78

ABOLISHING THE MUNICIPAL DISTRICT OF NAMALTUGAN, MOUNTAIN PROVINCE, AND ANNEXING ITS BARRIOS TO THE FOLLOWING MUNICIPAL DISTRICTS: NAMALTUGAN TO THE MUNICIPAL DISTRICT OF BAYAG AND TAYANGAN AND DIBAGAT TO THE MUNICIPAL DISTRICT OF KABUGAO.

Upon the recommendation of the provincial board of the Mountain Province in its resolution numbered six hundred ninety-one, current series, concurred in by the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the municipal district of Namaltugan, Mountain Province, is hereby abolished and its barrios annexed to the following municipal districts: Namaltugan to the municipal district of Bayag and Tuyangan and Dibagat to the municipal district of Kabugao.

The municipal district of Bayag shall consist of its present territory plus the territory comprised in the barrio of Namaltugan.

The municipal district of Kabugao shall consist of its present territory plus the territory comprised in the barrios of Tuyungan and Dibagat.

The reorganization herein made shall take effect on January first, nineteen hundred and thirty-seven.

Done at the City of Manila, this twenty-third day of December, in the year of Our Lord, nineteen hundred and thirty-six, and of the Commonwealth of the Philippines, the second.

MANUEL L. QUEZON
President of the Philippines

By the President:
ELPIDIO QUIRINO
Secretary of the Interior

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 85

ABOLISHING AND REORGANIZING ALL THE EXISTING BARRIOS COMPRISED WITHIN THE NEW MUNICIPALITY OF DULAWAN, COTABATO.

Upon the recommendation of the Honorable, the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, all the existing barrios in the new municipality of Dulawan, Cotabato, are hereby abolished and reorganized into eight barrios as follows:

(1) Dulawan comprising the old barrios of, to be hereafter known as sitios, Andavit, Bakat, Balong, Dulawan (Central), Gadung, Ganta, Inugog, Kinudal, Libutan, Linantangan, Liong, Limbay, Nunangan, Paguitin, Samalang, Tukanalipao, Katibpuan, Kitaño, Pidsandawan, Bagan, Damabalas, Duaminaña, Balanaken, Pantikan, Dado, Bagong, Linamonan, Tina, and Makasendeg;

(2) Sapakan comprising the old barrios of, to be hereafter known as sitios, Sapakan, Sisiman, Pinguaman, Tinongkup, Dawan, and Pidsandawan No. 1;

(3) Barurao comprising the old barrios of, to be hereafter known as sitios, Dansulan, Inas-Baital, Tabuñgao, Barurao, Romacodok, Kimalong, West Malipolok, Kayopon, Gaduñgan, Idseneben, East Malipolok, and Ponol;

(4) Maganuy comprising the old barrios of, to be hereafter known as sitios, Kalandangan, Kamsi, Kapinpilan, Kayakaya, Laguilayan, Minagana-Kar-Kar, Talata, Kulalu, Maganuy, Guinibon, Kauran, Banga, North Kakal, South Kakal, Dimalao, Binabasan, Maitumig-Sampao, Mao, Tuka, Malatimon, and Talata-Maitumig;

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(5) Timbañgan comprising the old barrios of, to be hereafter known as sitios, Timbañgan, Upper-Bagong, North Tapikan, Satan, Mangapang, Labo-labo, West Malingao, Lower Bagong, and East Tapikan;

(6) Talayan comprising the old barrios of, to be hereafter known as sitios, Batang, Ahan, Kidati, Sampao, Tagueneken, Talayan, Upper Bagan, Brar, Lower Bagan, and Kitaño;

(7) Daguma comprising the old barrios of, to be hereafter known as sitios, Bual, Laguilaan, Sagabay, Kapaya, Natubak, Dukay, Buluan, Daguma, and Tuka Mapayag; and

(8) Isulan comprising the old barrios of, to be hereafter known as sitios, Dansuli, Dimaigal, Mapadtig, Tabulul, Maradika, Tambak, Sipaka, and Bambad.

The organization herein made takes effect immediately.

Done at the City of Manila, this twenty-second day of January, in the year of Our Lord, nineteen hundred and thirty-seven, and of the Commonwealth of the Philippines, the second.

MANUEL L. QUEZON
President of the Philippines

By the President:

ELPIDIO QUIRINO

Secretary of the Interior

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 86

ABOLISHING AND REORGANIZING ALL THE EXISTING BARRIOS COMPRISED WITHIN THE NEW MUNICIPALITY OF MIDSAYAP, COTABATO.

Upon the recommendation of the Honorable, the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, all the existing barrios in the new municipality of Midsayap, Cotabato, are hereby abolished and reorganized into eight barrios as follows:

(1) Midsayap comprising the old barrios of, to be hereafter known as sitios, Midsayap Central, Bulanan, Bual, Glad, Nas, Salunayan;

(2) Katingawan comprising the old barrios of, to be hereafter known as sitios, Katingawan and Kebaladao;

(3) Lumupog comprising the old barrios of, to be hereafter known as sitios, Lumupog, Tugar, Kapinpilan, Dagutem, Makasendeg, Tugal, Misawa, Olandang, Balanaken, Buñga, Kudarañgan, Sambulawan, Maliñgao, Muntay No. 2, Tomeras, Navalaoag, and Damatolang;

(4) Libuñgan comprising the old barrios of, to be hereafter known as sitios, Panatan, Kapayuran, Baguer, Libuñgan No. 2, Kadingilan, Tula-tula, Pilubedan, Kakar, Kalumpangan, Sisiman, Pañgangkalan, and Bayabao;

(5) Pigcawayan comprising the old barrios of, to be hereafter known as sitios, Maluau, Malaguan, Mibpapan, and Pigcawayan;

(6) Manuañgan comprising the old barrios of, to be hereafter known as sitios, Manuañgan, Diñganen, Banukaguen, Malagakit, Tiyyulaon, and Paliku;

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(7) Patindeguen comprising the old barrios of, to be hereafter known as sitios, Patindeguen, Sinumulang and Labas; and

(8) Sinawiñgan (Upper Libuñgan) comprising the old barrios of, to be hereafter known as sitios, Baluguan, Libuñgan No. 1, Nikaan, Balaguan, Tibawan, Sinawiñgan, Balakayon, Lumuluas, Misumbok, Bambanen, Bulkaon, Kapañgi, Muntay No. 1, Tuka, Malatung, Paku, Kulamian, Mikutu, Lamuyun, Baugani-Amayagar, and Bagunkuñgen.

The organization herein made takes effect immediately.

Done at the City of Manila, this twenty-second day of January, in the year of Our Lord, nineteen hundred and thirty-seven, and of the Commonwealth of the Philippines, the second.

MANUEL L. QUEZON
President of the Philippines

By the President:
ELPIDIO QUIRINO
Secretary of the Interior

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 95

ORGANIZATION OF THE SITIO OF BULI OF THE MUNICIPALITY OF
BAUAN, BATANGAS, INTO AN INDEPENDENT BARRIO UNDER
THE NAME OF SAN DIEGO.

Upon the recommendation of the provincial board of Batangas and the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the sitio of Buli, barrio of Malindig, municipality of Bauan, Province of Batangas, is hereby separated from said barrio and organized into an independent barrio of the municipality of Bauan under the name of San Diego.

The organization herein made shall take effect immediately.

Done at the City of Washington, D. C. (for the City of Manila), this sixth day of April, in the year of Our Lord, nineteen hundred and thirty-seven, and of the Commonwealth of the Philippines, the second.

MANUEL L. QUEZON

President of the Philippines

By the President:

ELPIDIO QUIRINO

Secretary of the Interior

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 96

SEGREGATING THE BARRIO OF SAN FRANCISCO FROM THE MUNICIPALITY OF TALAVERA, PROVINCE OF NUEVA ECIJA, AND ANNEXING THE SAME TO THE MUNICIPALITY OF SANTO DOMINGO, SAME PROVINCE.

Whereas a number of residents of the barrio of San Francisco, municipality of Talavera, Nueva Ecija, have petitioned that said barrio be transferred to the municipality of Santo Domingo, same province;

Whereas the Secretary of the Interior has advised that the majority of the inhabitants of said barrio, in a plebiscite held for the purpose, expressed their preference to come under the jurisdiction of the municipality of Santo Domingo; that the said barrio is more easily accessible from the poblacion of this municipality than from that of the municipality of Talavera to which it belongs; and that the transfer of the said barrio, if made, would not impair the financial condition of either of the two municipalities;

Now, therefore, upon the recommendation of the provincial board of Nueva Ecija and the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the barrio of San Francisco, municipality of Talavera, Province of Nueva Ecija, is hereby segregated from the said municipality and annexed to the municipality of Santo Domingo, same province.

The organization herein made shall take effect as of January first, nineteen hundred and thirty-seven.

Done at the City of Washington, D. C. (for the City of Manila), this twenty-fourth day of April, in the year of Our Lord, nineteen hundred and thirty-seven, and of the Commonwealth of the Philippines, the second.

MANUEL L. QUEZON

President of the Philippines

By the President:

ELPIDIO QUIRINO

Secretary of the Interior

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 114

REQUIRING THAT COMMUNITIES TO BE ORGANIZED INTO POLITICAL DIVISIONS OR SUBDIVISIONS SHALL HAVE WELL DEFINED BOUNDARIES.

In order to minimize misunderstanding regarding jurisdiction originating from undefined or uncertain boundaries of political divisions and subdivisions, it is directed that the offices having to do with the creation of new political divisions or subdivisions see to it that before any proposition to organize any community into such political division or subdivision is submitted to the Office of the President for action, pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the petition therefor is accompanied with accurate descriptions of the boundaries of the proposed political division or subdivision. It must be shown in the description of the boundaries of the proposed political division or subdivision that the principal corners of said political division or subdivision are properly defined by placing thereon concrete monuments of standard size at the expense of the interested party and in the presence of the officials concerned or their duly authorized representatives. The said monuments should be tied also to at least three permanent landmarks, as witness corners to insure permanency.

The Director of Public Works and the Director of Lands are hereby directed to lend their assistance and coöperation to the proper local authorities to enable the latter to state and define with accuracy the boundary lines of every community to be organized into a new political division or subdivision. It is further directed that to simplify the de-

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scription of the boundary lines and facilitate the location thereof on the ground, every such line should be made to follow, as far as practicable, the course of a stream or of a straight line to be drawn from one permanent visible point to another permanent visible point.

Done at the City of Manila, this thirty-first day of August, in the year of Our Lord, nineteen hundred and thirty-seven, and of the Commonwealth of the Philippines, the second.

MANUEL L. QUEZON
President of the Philippines

By the President:
ELPIDIO QUIRINO
Secretary of the Interior

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 124

ANNEXING A CERTAIN PORTION OF THE BARRIO OF DAANGHARI, MUNICIPALITY OF NAVOTAS, RIZAL, TO THE POBLACION OF SAID MUNICIPALITY.

Upon the petition of the municipal council of Navotas, Rizal, and recommendation of the provincial board of said province, concurred in by the Secretary of the Interior, the Secretary of Agriculture and Commerce, and the Secretary of Public Works and Communications, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the present territory of the poblacion of the municipality of Navotas is hereby increased by annexing to it a portion of the barrio of Daanghari, which is bounded on the northeast by Calle M. Naval, on the southeast by Calle Francisca Pascual, on the southwest by Manila Bay, and on the northwest by Calle Burgos, which is described as follows:

Beginning at a point marked "1" on plan Swo-15163, being N. 21° 16' W., 594.13 m. from B. L. L. M. No. 1, municipality of Navotas, thence S. 31° 49' E., 19.35 m. to point "2;" thence S. 34° 38' E., 42.70 m. to point "3;" thence S. 34° 48' E., 16.66 m. to point "4;" thence S. 37° 51' E., 39.50 m. to point "5;" thence S. 39° 33' E., 30.39 m. to point "6;" thence S. 41° 52' E., 8.29 m. to point "7;" thence S. 54° 48' W., 21.46 m. to point "8;" thence S. 60° 58' W., 25.01 m. to point "9;" thence S. 63° 59' W., 44.62 m. to point "10;" thence S. 65° 03' W., 55.78 m. to point "11;"

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thence S. 64° 37' W., 182.12 m. to point "12;" thence S. 64° 37' W., 263.06 m. to point "13;" thence N. 35° 30' W., 118.73 m. to point "14;" thence N. 60° 28' E., 275.10 m. to point "15;" thence N. 60° 28' E., 308.88 m. to point 1, point of beginning. Containing an area of eighty-one thousand two hundred thirty-one square meters (81,231), more or less. All points referred to are indicated on the plan; and on the ground are marked by P. L. S. concrete monuments, 15 by 60, except points "13" and "14."

The annexation herein made shall take effect immediately.

Done at the City of Manila, this twenty-third day of October, in the year of Our Lord, nineteen hundred and thirty-seven, and of the Commonwealth of the Philippines, the second.

MANUEL L. QUEZON
President of the Philippines

By the President:
ELPIDIO QUIRINO
Secretary of the Interior

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 129

ANNEXING THE BARRIO OF BUGHAYAN OF THE MUNICIPALITY OF BATUAN, PROVINCE OF BOHOL, TO THE BARRIO OF CANTIGDAS OF THE SAME MUNICIPALITY.

Upon petition of the municipal council of Batuan, Bohol, and recommendation of the provincial board of said province, concurred in by the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the barrio of Bughayan, municipality of Batuan, Province of Bohol, is hereby annexed to the barrio of Cantigdas, same municipality.

The change herein made shall take effect immediately.

Done at the City of Manila, this twentieth day of November, in the year of Our Lord, nineteen hundred and thirty-seven, and of the Commonwealth of the Philippines, the third.

MANUEL L. QUEZON

President of the Philippines

By the President:

ELPIDIO QUIRINO

Secretary of the Interior

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 141

ORGANIZING THE SITIO OF TIGNUAN, BARRIO OF KAPALONG, MUNICIPALITY OF INFANTA, TAYABAS, INTO A BARRIO UNDER THE NAME OF TIGNUAN.

Upon the petition of the residents of the sitio of Tignuan, barrio of Kapalong, municipality of Infanta, Tayabas, favorably recommended by the provincial board of Tayabas and the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the said sitio is hereby organized into a separate barrio under the name of Tignuan.

The boundary line between the barrio of Kapalong and the barrio of Tignuan as herein organized shall be the Talisay River.

The organization herein made shall take effect on March first, nineteen hundred and thirty-eight.

Done at the City of Manila, this eleventh day of February, in the year of Our Lord, nineteen hundred and thirty-eight, and of the Commonwealth of the Philippines, the third.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 143

SEGREGATING FROM THE MUNICIPALITY OF GUIMBAL, PROVINCE OF ILOILO, THE FORMER MUNICIPALITY OF TUBUNGAN, AND ORGANIZING THE SAME INTO AN INDEPENDENT MUNICIPALITY UNDER THE NAME OF TUBUNGAN, WITH THE SEAT OF GOVERNMENT IN THE BARRIO OF TUBUNGAN.

Whereas many of the inhabitants of the former municipality of Tubungan have petitioned that the same be separated from the present municipality of Guimbal, Province of Iloilo, and reorganized into an independent municipality;

Now, therefore, pursuant to the provisions of section sixty-eight of the Revised Administrative Code, and upon recommendation of the provincial board of Iloilo, the Honorable Jose C. Zulueta, Assemblyman from the First District of Iloilo, and the Secretary of the Interior, the former municipality of Tubungan is hereby organized and reestablished, as an independent municipality under the name of Tubungan, with the seat of government at the barrio of Tubungan.

The municipality of Guimbal shall consist of its present territory less the territory comprised in the former municipality of Tubungan. The municipality of Tubungan shall consist of the territory comprised in the former municipality of Tubungan.

The organization herein made shall take effect May first, nineteen hundred and thirty-eight.

Done at the City of Manila, this fifteenth day of March, in the year of Our Lord, nineteen hundred and thirty-eight, and of the Commonwealth of the Philippines, the third.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 152

ORGANIZING THE BARRIOS OF BONDO, ILAYANG TAYUMAN, IBABANG TAYUMAN, CAWAYAN, INABUAN, SILONGIN, KASAY, MAÑONGON, AND PAGSANGAHAN, ALL OF THE MUNICIPALITY OF MULANAY, TAYABAS, INTO AN INDEPENDENT MUNICIPALITY UNDER THE NAME OF BONDO.

Whereas the barrios of Bondo, Ilayang Tayuman, Ibabang Tayuman, Cawayan, Inabuan, Silongin, Kasay, Mañongon, and Pagsangahan, all of the municipality of Mulanay, Tayabas, through their respective rural councils had petitioned that said barrios be organized into independent municipality;

Whereas the great distance and the difficulty of means of communication between the proposed municipality and the poblacion of the municipality of Mulanay make it not only advisable but also necessary to organize the barrios named above into an independent municipality;

Now, therefore, pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the barrios of Bondo, Ilayang Tayuman, Ibabang Tayuman, Cawayan, Inabuan, Silongin, Kasay, Mañongon, and Pagsangahan are hereby organized into an independent municipality under the name of Bondo with the seat of government in the barrio of Bondo.

The municipality of Mulanay shall consist of its present territory less the territory comprised in the barrios of Bondo, Ilayang Tayuman, Ibabang Tayuman, Cawayan, Inabuan, Silongin, Kasay, Mañongon and Pagsangahan. The municipality of Bondo, as herein organized, shall consist of the territory of the barrios of Bondo, Ilayang Tayuman, Iba-

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bang Tayuman, Cawayan, Inabuan, Silongin, Kasay, Mañongon, and Pagsangahan.

The organization herein made shall take effect on July first, nineteen hundred and thirty-eight.

Done at the City of Manila, this thirtieth day of April, in the year of Our Lord, nineteen hundred and thirty-eight, and of the Commonwealth of the Philippines, the third.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 158

ORGANIZING THE BARRIO OF ANGONO, MUNICIPALITY OF BINANGONAN, PROVINCE OF RIZAL, INTO AN INDEPENDENT MUNICIPALITY UNDER THE NAME OF ANGONO.

Whereas, the inhabitants of the former municipality of Angono have petitioned that the same be separated from the municipality of Binangonan, Province of Rizal, and organized into an independent municipality;

Now, therefore, upon recommendation of the provincial board of Rizal and the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the twenty-seven municipalities of the Province of Rizal, as established by section thirty-eight of the said Code and Executive Order Numbered One hundred and eight, series of nineteen hundred and seventeen, are hereby increased to twenty-eight by separating the barrio of Angono from the municipality of Binangonan and organizing the same into an independent municipality under the name of Angono, with the seat of government in the barrio of the same name.

The municipality of Binangonan shall consist of its present territory less the territory comprised in the former municipality of Angono.

The organization herein made shall take effect on January first, nineteen hundred thirty-nine, provided that prior thereto the Secretary of the Interior shall have certified that the sites for the presidencia, plaza, market, and

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cemetery have been acquired and the Secretary of Finance shall have certified as to the financial ability of the new political subdivision to shoulder the expenses of an independent municipality.

Done at the City of Manila, this nineteenth day of August, in the year of Our Lord, nineteen hundred and thirty-eight, and of the Commonwealth of the Philippines, the third.

MANUEL L. QUEZON
President of the Philippines

By the President:
JORGE B. VARGAS
Secretary to the President

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES
EXECUTIVE ORDER No. 159

ORGANIZING CERTAIN BARRIOS OF THE MUNICIPALITY OF DAO
IN THE PROVINCE OF CAPIZ, INTO AN INDEPENDENT MUNI-
CIPALITY UNDER THE NAME OF CUARTERO.

Whereas, the inhabitants of the barrios of Cuartero, Agdajon, Angub, Bito-on, Bun-od, Carataya, Maindang, Malagab-i, Nagba, San Antonio, and Sinabsaban, of the municipality of Dao; Province of Capiz, have petitioned that said barrios be organized into an independent municipality;

Now, therefore, upon the recommendation of the Provincial Board of Capiz and the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the twenty-seven municipalities of the Province of Capiz, as established by section thirty-eight of said Code and Executive Order Numbered Two hundred and eighty-eight, series of nineteen hundred and thirty, are hereby increased to twenty-eight, by segregating from the municipality of Dao, the barrios of Cuartero, Agdajon, Angub, Bito-on, Bun-od, Carataya, Maindang, Malagab-i, Nagba, San Antonio, and Sinabsaban, and organizing the same into an independent municipality under the name of Cuartero, with the seat of government in the barrio of Cuartero.

The municipality of Cuartero as herein organized shall consist of the territory comprised in the barrios of Cuartero, Agdajon, Angub, Bito-on, Bun-od, Carataya, Maindang, Malagab-i, Nagba, San Antonio, and Sinabsaban and shall have the following boundaries:

Beginning from B. B. M. No. 26, following the course of the Panay River in a northeasterly direction to B. B. M. No. 25; thence S. 75° 02' E., 1,012.14 m. to B. B. M. No.

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24; thence N. $67^{\circ} 10'$ E., 762.98 m. to B. B. M. No. 23; thence S. $49^{\circ} 26'$ E., 1,873.13 m. to B. B. M. No. 22; thence N. $85^{\circ} 03'$ E., 1,104.62 m. to B. B. M. No. 21; thence S. $77^{\circ} 44'$ E., 944.40 m. to B. B. M. No. 20; thence S. $56^{\circ} 17'$ E., 939.88 m. to B. B. M. No. 19; thence N. $82^{\circ} 55'$ E., 838.56 m. to B. B. M. No. 18; thence following the course of Maindang River in a northeasterly direction to B. B. M. No. 17; thence following the course of Maindang River in a northeasterly direction to M. B. M. No. 15; thence following the course of Sinabsaban Creek in a southeasterly direction to M. B. M. No. 16; thence S. $59^{\circ} 53'$ E., 747.72 m. to M. B. M. No. 17; thence following the course of the Anangue Creek in a southeasterly direction to M. B. M. No. 18; thence following the course of the Maindang River in a southeasterly direction to M. B. M. No. 19; thence S. $55^{\circ} 36'$ W., 5,492.89 m. to M. B. M. No. 20; thence N. $70^{\circ} 58'$ W., 2,049.45 m. to M. B. M. No. 21; thence N. $37^{\circ} 07'$ W., 1,647.69 m. to M. B. M. No. 22; thence N. $87^{\circ} 15'$ W., 1,450.87 m. to M. B. M. No. 23; thence S. $75^{\circ} 16'$ W., 3,672.75 m. to M. B. M. No. 24; thence N. $61^{\circ} 47'$ W., 3,683.03 m. to M. B. M. No. 25; thence following the course of the Pangautao Creek in a westerly direction to M. B. M. No. 26; thence following the course of the Pangautao Creek in a northwesterly direction to M. B. M. No. 27; thence N. $77^{\circ} 40'$ W., 629.13 m. to M. B. M. No. 28; thence S. $73^{\circ} 03'$ W., 1,029.32 m. to M. B. M. No. 29; thence N. $66^{\circ} 39'$ W., 668.35 m. to M. B. M. No. 30; thence S. $79^{\circ} 01'$ W., 469.40 m. to M. B. M. No. 31; thence N. $87^{\circ} 39'$ W., 611.94 m. to M. B. M. No. 32; thence following the course of the Badbaran River in a northwesterly direction to M. B. M. No. 33; thence following the course of the Panay River in a northerly direction to M. B. M. No. 34; thence following the course of the Mapanag Creek in a westerly direction to M. B. M. No. 35; thence following the course of the Mapanag Creek in a northwesterly direction to M. B. M. No. 36; thence N. $20^{\circ} 26'$ E., 1,114.87 m. to M. B. M. No. 37; thence following the course of the Quinabuana Creek in a northeasterly direction to M. B. M. No. 38; thence S. 67°

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54' E., 838.64 m. to B. B. M. No. 27; thence following the course of the Panay River in a easterly direction to B. B. M. No. 26, point of beginning. Bounded on the north, by remaining portion of Dao Cadastre and Pontevedra Cadastre; on the East, by Pontevedra Cadastre; on the South by the municipality of Dumarao; and on the West, by the municipality of Dumalag.

The municipality of Dao shall consist of its present territory minus the territory comprised in the municipality of Cuartero.

The organization herein made shall take effect January first, nineteen hundred and thirty-nine.

Done at the City of Manila, this twenty-third day of August, in the year of Our Lord, nineteen hundred and thirty-eight, and of the Commonwealth of the Philippines, the third.

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MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS-

Secretary to the President

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 165

ANNEXING CERTAIN BARRIOS AND SITIOS OF THE MUNICIPALITY OF SANTA LUCIA, ILOCOS SUR, TO THE MUNICIPALITY OF BAUGUEN, SAME PROVINCE.

Whereas the inhabitants of the barrios of Pias, Atabay, Baluarte, Dinaratan, Sorioan, San Tiburcio, and Cubcubbuot, and the sitios of Culiong and Maligcong, of the municipality of Santa Lucia, Ilocos Sur, have petitioned that said barrios and sitios be annexed to the municipality of Bauguen;

Whereas it appears that these barrios and sitios are much nearer to, and more easily accessible from, the poblacion of Bauguen than the poblacion of Santa Lucia;

Now, therefore, upon the recommendation of the provincial board of Ilocos Sur and the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the barrios of Pias, Atabay, Baluarte, Dinaratan, Sorioan, San Tiburcio, and Cubcubbuot, and the sitios of Culiong and Maligcong are hereby segregated from the municipality of Santa Lucia, Ilocos Sur, and annexed to the municipality of Bauguen, same province.

The annexation herein made shall take effect on January first, nineteen hundred and thirty-nine.

Done at the City of Manila, this twenty-seventh day of September, in the year of Our Lord, nineteen hundred and thirty-eight, and of the Commonwealth of the Philippines, the third.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 177

ANNEXING THE BARRIO OF BALAYBAY, MUNICIPALITY OF SUBIC,
PROVINCE OF ZAMBALES, TO THE MUNICIPALITY OF CASTILLEJOS,
SAME PROVINCE.

Whereas a petition has been presented for the annexation of the barrio of Balaybay of the municipality of Subic, Zambales, to the municipality of Castillejos, same province;

Whereas it appears that the said barrio is much nearer to the poblacion of Castillejos than to the poblacion of Subic, that it is more conveniently accessible from Castillejos, and that the great majority of its inhabitants who participated in the plebiscite held for the purpose favor the proposed annexation;

Now, therefore, upon recommendation of the Secretary of the Interior, the Secretary of Finance, and the provincial board of Zambales, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the barrio of Balaybay is hereby segregated from the municipality of Subic and annexed to the municipality of Castillejos.

The municipality of Castillejos shall consist of its present territory plus the territory comprised in the barrio of Balaybay. The municipality of Subic shall consist of its present territory minus the territory comprised in the barrio of Balaybay.

The changes herein made shall take effect on January first, nineteen hundred and thirty-nine.

Done at the City of Manila, this twelfth day of December, in the year of Our Lord, nineteen hundred and thirty-eight, and of the Commonwealth of the Philippines, the fourth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 180

ORGANIZING THE SITIO OF BUBUYAN, BARRIO OF SAPAK, MUNICIPALITY OF LIPA, BATANGAS, INTO A BARRIO UNDER THE NAME OF SANTO NIÑO.

Upon the recommendation of the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the sitio of Bubuyan, barrio of Sapak, municipality of Lipa, Batangas, is hereby segregated from the said barrio of Sapak and organized into an independent barrio under the name of Santo Niño.

The barrio of Santo Niño as herein organized shall have the following boundary lines:

Beginning at point 1, being the center of Talisay River opposite to corner 7 of Lot No. 14503 of Felix Argana, thence following the course of said river southerly to point 2, being the junction of said river and a creek opposite to corner 3 of Lot No. 14927 of Julian Ilagan, thence a straight line to point 3, being the junction of the two upper branches of Banaybanay River opposite to corner 8 of lot No. 14911 of Severino Manalo, thence following the course of Talon Creek to point 4, being corner 6 of Lot No. 14777 of Simón Mia, thence a straight line to point 5, being M. B. M. No. 73 (municipal boundary monument No. 73), thence to the point of beginning.

The barrio of Sapak shall consist of its present territory minus the territory of the new barrio of Santo Niño as herein specified.

The organization herein made shall take effect immediately.

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Done at the City of Manila, this twenty-seventh day of January, in the year of Our Lord, nineteen hundred and thirty-nine, and of the Commonwealth of the Philippines, the fourth.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS
Secretary to the President

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 181

ORGANIZING A CERTAIN PORTION OF THE MUNICIPALITY OF SANTIAGO, ISABELA, INTO AN INDEPENDENT MUNICIPALITY UNDER THE NAME OF CORDON.

Whereas the inhabitants of the barrios of Cordon and San Luis, and their neighboring places, in the municipality of Santiago, Isabela, have petitioned that said barrios and places be organized into an independent municipality;

Whereas it appears that the municipality of Santiago is under obligation to pay for its legal share of the costs of the cadastral survey of said municipality;

Now, therefore, upon the recommendation of the provincial board of Isabela and the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the fifteen municipalities of the Province of Isabela, as established by section thirty-eight of the Revised Administrative Code, Act Numbered Three thousand four hundred and sixteen, and Executive Order Numbered Thirty-five, series of nineteen hundred and twenty, are hereby increased to sixteen, by segregating from the municipality of Santiago, the barrios of Cordon and San Luis and their neighboring places, and organizing the same into an independent municipality under the name of Cordon, with the seat of government in the barrio of Cordon, subject to the condition that the new municipality shall assume the obligation of paying its proportionate share of the cost of the cadastral survey of the municipality of Santiago.

The municipality of Cordon as herein organized shall consist of the territory bounded on the north by the munic-

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ipality of Santiago; on the east, by the municipality of Santiago; on the south, by the municipality of Bagabag, Province of Nueva Vizcaya; and on the west, by the municipality of Bagabag, Province of Nueva Vizcaya; and shall have the following boundaries:

Beginning from P. B. M. No. 1; thence, direct to P. B. M. No. 2; thence, direct to P. B. M. No. 3; thence, direct to P. B. M. No. 4; thence, direct to P. B. M. No. 5; thence, direct to B. B. M. No. 4; thence, direct to B. B. M. No. 5; thence, direct to B. B. M. No. 19; thence, direct to B. B. M. No. 18; thence, following the Dicaddanum Creek to B. B. M. No. 20; thence, direct to B. B. M. No. 22; thence, direct to B. B. M. No. 23; thence, direct to B. B. M. No. 11; thence, direct to B. B. M. No. 33; thence, direct to B. B. M. No. 26; thence, direct to B. B. M. No. 34; thence, following the barrio road to B. B. M. No. 35; thence, following the barrio road to B. B. M. No. 36; and thence, direct to P. B. M. No. 1, point of beginning.

The municipality of Santiago shall consist of its present territory minus the territory comprised in the municipality of Cordon.

The organization herein made shall take effect July first, nineteen hundred and thirty-nine.

Done at the City of Manila, this twenty-seventh day of January, in the year of Our Lord, nineteen hundred and thirty-nine, and of the Commonwealth of the Philippines, the fourth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 185

ORGANIZING CERTAIN BARRIOS IN THE MUNICIPALITY OF UNISAN
IN THE PROVINCE OF TAYABAS, INTO AN INDEPENDENT MU-
NICIPALITY UNDER THE NAME OF AGDANGAN.

Upon recommendation of the provincial board of Tayabas, the Secretary of the Interior, and the Secretary of Finance, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the thirty-one municipalities of the Province of Tayabas, as established by section thirty-eight of the said Code and Executive Orders Numbered Two hundred and seven and Two hundred and eight, both series of nineteen hundred and twenty-nine, and One hundred and fifty-two, dated April thirtieth, nineteen hundred and thirty-eight, are hereby increased to thirty-two, by segregating from the municipality of Unisan, the barrios of Agdangan, Binagbag, Calutan, Dayap, Ibabang Kinagunan, Layang Kinagunan, Maligaya, and Sildura, and organizing the same into an independent municipality under the name of Agdangan, with the seat of government in the barrio of Agdangan.

The municipality of Agdangan as herein organized shall have the following boundaries:

"Beginning at point 1, being M. B. M. No. 18, Padre Burgos cadastre, No. 84° 09' E. 2,297.31 m. to point 2, being M. B. M. No. 19, equals M. B. M. No. 5, Unisan cadastre, thence S. 36° 53' E. 2,143.15 m. to point No. 3, being B. B. M. No. 29, thence S. 83° 02' E. 6.13 m. to point 4, being corner 7 of lot No. 883, Unisan cadastre, thence

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S. 20° 35' W. 367.49 m. to point 5, being corner 8 of lot No. 883, thence S. 72° 07' E. 53.06 m. to point 6, being corner 2 of lot No. 883, thence S. 27° 33' E. 128.13 m. to point 7, being corner 3 of lot No. 885, thence S. 78° 40' W. 4.87 m. to point 8, being corner 4 of lot No. 885, thence S. 49° 41' W. 263.54 m. to point 9, being corner 5 of lot No. 885, thence S. 57° 46' W. 168.10 m. to point 10, being corner 5 of lot No. 875, thence S. 53° 23' W. 166.75 m. to point 11, being corner 1 of lot No. 875, thence S. 0° 12' W. 128.28 m. to point 12, being corner 1 of lot No. 870, thence S. 10° 57' W. 105.16 m. to point 13, being corner 2 of lot No. 870, thence S. 6° 55' E. 255.54 m. to point 14, being corner 6, of lot No. 869, thence S. 3° 16' E. 78.08 m. to point 15, being corner 7 of lot No. 860, thence S. 1° 30' W. 348.12 m. to point 16, being corner 3 of lot No. 864, thence S. 36° 41' E. 157.78 m. to point 17, being corner 4 of lot No. 864, thence S. 59° 30' E. 131.89 m. to point 18, being corner 5 of lot No. 864, thence S. 31° 05' W. 258.00 m. to point 19, being corner 6 of lot No. 864, thence N. 66° 56' W. 45.06 m. to point 20, being corner 7 of lot No. 864, thence N. 4° 10' E. 230.08 m. to point 21, being corner 1 of lot No. 990, thence S. 55° 33' W. 200.60 m. to point 22, being corner 2 of lot No. 990, thence N. 62° 57' W. 28.12 m. to point 23, being corner 3 of lot No. 990, thence S. 11° 02' W. 55.30 m. to point 24, being corner 4 of lot No. 990, thence S. 15° 21' W. 38.85 m. to point 25, being corner 5 of lot No. 990, thence S. 21° 49' W. 84.20 m. to point 26, being corner 6 of lot No. 990, thence S. 61° 29' W. 60.70 m. to point 27, being corner 7 of lot No. 990, thence S. 33° 30' W. 31.48 m. to point 28, being corner 8 of lot No. 990, thence S. 3° 03' E. 51.92 m. to point 29, being corner 7 of lot No. 857, thence S. 73° 11' E. 68.55 m. to point 30, being corner 8 of lot No. 857, thence S. 12° 18' E. 17.12 m. to point 31, being corner 9 of lot No. 857, thence S. 19° 34' W. 48.61 m. to point 32, being corner 10 of lot No. 857, thence S. 26° 27' W. 82.06 m. to point 33, being corner 11 of lot No. 857, thence S. 38° 14' W.

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54.84 m. to point 34, being corner 12 of lot No. 857, thence S. $68^{\circ} 48'$ W. 44.01 m. to point 35, being corner 13 of lot No. 857, thence S. $4^{\circ} 01'$ E. 45.06 m. to point 36, being corner 14 of lot No. 857, thence S. $88^{\circ} 27'$ E. 72.37 m. to point 37, being corner 15 of lot No. 857, thence S. $35^{\circ} 51'$ W. 26.65 m. to point 38, being corner 16 of lot No. 857, thence S. $15^{\circ} 18'$ W. 28.75 m. to point 39, being corner 17 of lot No. 857, thence S. $38^{\circ} 18'$ W. 55.20 m. to point 40, being corner 18 of lot No. 857, thence S. $65^{\circ} 44'$ E. 34.51 m. to point 41, being corner 19 of lot No. 857, thence S. $26^{\circ} 35'$ E. 148.78 m. to point 42, being corner 20 of lot No. 857, thence S. $4^{\circ} 15'$ E. 32.51 m. to point 43, being corner 21 of lot No. 857, thence S. $63^{\circ} 55'$ E. 24.52 m. to point 44, being corner 12 of lot No. 1007, thence N. $35^{\circ} 50'$ E. 45.07 m. to point 45, being corner 13 of lot No. 1007, thence S. $29^{\circ} 20'$ E. 49.28 m. to point 46, being corner 14 of lot No. 1007, thence S. $44^{\circ} 44'$ W. 49.63 m. to point 47, being corner 15 of lot No. 1007, thence S. $50^{\circ} 23'$ E. 73.34 m. to point 48, being corner 16 of lot No. 1007, thence S. $28^{\circ} 08'$ W. 60.11 m. to point 49, being corner 17 of lot No. 1007, thence S. $57^{\circ} 46'$ E. 51.88 m. to point 50, being corner 18 of lot No. 1007, thence N. $76^{\circ} 48'$ E. 106.56 m. to point 51, being corner 6 of lot No. 1006, thence N. $10^{\circ} 38'$ E. 38.94 m. to point 52, being corner 7 of lot No. 1006, thence S. $74^{\circ} 28'$ E. 88.68 m. to point 53, being corner 8 of lot No. 1006, thence S. $58^{\circ} 15'$ E. 39.93 m. to point 54, being corner 9 of lot No. 1006, thence S. $15^{\circ} 48'$ W. 41.14 m. to point 55, being corner 10 of lot No. 1006, thence S. $34^{\circ} 23'$ W. 70.02 m. to point 56, being corner 11 of lot No. 1006, thence S. $21^{\circ} 48'$ W. 23.18 m. to point 57, being corner 12 of lot No. 1006, thence S. $0^{\circ} 41'$ E. 17.66 m. to point 58, being corner 13 of lot No. 1006, thence S. $61^{\circ} 58'$ E. 45.63 m. to point 59, being corner 14 of lot No. 1006, thence S. $1^{\circ} 33'$ E. 12.98 m. to point 60, being corner 15 of lot No. 1006, thence S. $22^{\circ} 25'$ W. 15.24 m. to point 61, being corner 16 of lot No. 1006, thence S. $41^{\circ} 33'$ W. 59.86 m. to point 62,

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being corner 17 of lot No. 1006, thence S. 48° 47' E. 24.43 m. to point 63, being corner 18 of lot No. 1006, thence S. 71° 12' E. 18.40 m. to point 64, being corner 19 of lot No. 1006, thence N. 83° 29' E. 39.96 m. to point 65, being corner 11 of lot No. 1010, thence S. 70° 00' E. 23.24 m. to point 66, being corner 12 of lot No. 1010, thence S. 17° 35' W. 53.28 m. to point 67, being corner 1 of lot No. 1010, thence N. 79° 22' W. 51.51 m. to point 68, being corner 2 of lot No. 1010, thence S. 26° 14' E. 215.48 m. to point 69, being corner 3 of lot No. 1010, thence S. 0° 41' E. 47.00 m. to point 70, being corner 6 of lot No. 1012, thence S. 79° 28' E. 136.01 m. to point 71, being corner 7 of lot No. 1012, thence S. 5° 05' E. 36.17 m. to point 72, being corner 8 of lot No. 1012, thence S. 78° 06' E. 90.75 m. to point 73, being corner 1 of lot No. 1013, thence S. 18° 06' E. 48.14 m. to point 74, being corner 2 of lot No. 1013, thence S. 14° 43' W. 22.41 m. to point 75, being corner 3 of lot No. 1013, thence S. 16° 05' W. 83.30 m. to point 76, being corner 5 of lot No. 1015, thence S. 11° 32' W. 66.92 m. to point 77, being corner 6 of lot No. 1015, thence S. 20° 28' E. 109.70 m. to point 78, being corner 7 of lot No. 1015, thence S. 51° 40' W. 51.77 m. to point 79, being corner 8 of lot No. 1015, thence S. 18° 14' E. 109.52 m. to point 80, being corner 2 of lot No. 1044, thence S. 20° 31' E. 12.07 m. to point 81, being corner 3 of lot No. 1044, thence S. 54° 02' E. 59.89 m. to point 82, being corner 4 of lot No. 1044, thence N. 23° 50' E. 47.62 m. to point 83, being corner 5 of lot No. 1046, thence N. 26° 31' E. 36.01 m. to point 84, being corner 6 of lot No. 1046, thence N. 38° 17' E. 41.80 m. to point 85, being corner 1 of lot No. 1046, thence S. 80° 31' E. 109.89 m. to point 86, being corner 2 of lot No. 1047, thence S. 5° 14' W. 60.11 m. to point 87, being corner 3 of lot No. 1047, thence N. 89° 20' E. 268.97 m. to point 88, being corner 1 of lot No. 1060, thence S. 51° 01' E. 154.23 m. to point 89, being corner 2 of lot No. 1060, thence S. 9° 26' E. 36.78

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m. to point 90, being corner 3 of lot No. 1060, thence S. 19° 06' W. 80.42 m. to point 91, being corner 4 of lot No. 1060, thence S. 5° 37' E. 56.06 m. to point 92, being corner 4 of lot No. 1051, thence S. 19° 43' E. 130.04 m. to point 93, being corner 5 of lot No. 1051, thence S. 29° 35' E. 22.64 m. to point 94, being corner 4 of lot No. 1050, thence S. 83° 57' E. 9.49 m. to point 95, being corner 5 of lot No. 1050, thence S. 29° 30' E. 36.22 m. to point 96, being corner 1 of lot No. 388, thence S. 35° 02' E. 46.88 m. to point 97, being corner 2 of lot No. 388, thence S. 61° 36' W. 51.17 m. to point 98, being corner 3 of lot No. 388, thence S. 49° 07' W. 31.93 m. to point 99, being corner 8 of lot No. 389, thence S. 29° 24' E. 37.34 m. to point 100, being corner 9 of lot No. 389, thence S. 42° 21' E. 23.22 m. to point 101, being corner 10 of lot No. 389, thence S. 45° 16' E. 34.94 m. to point 102, being corner 11 of lot No. 389, thence S. 65° 17' W. 114.60 m. to point 103, being corner 12 of lot No. 389, thence S. 65° 29' W. 1.18 m. to point 104, being corner 13 of lot No. 389, thence S. 54° 27' E. 84.82 m. to point 105, being corner 30 of lot No. 391, thence S. 33° 24' E. 37.48 m. to point 106, being corner 1 of lot No. 391, thence S. 34° 34' E. 43.73 m. to point 107, being corner 2 of lot No. 391, thence S. 5° 51' W. 148.02 m. to point 108, being corner 3 of lot No. 391, thence S. 56° 31' E. 42.84 m. to point 109, being corner 4 of lot No. 391, thence S. 23° 07' W. 144.05 m. to point 110, being corner 5 of lot No. 391, thence S. 24° 42' E. 333.26 m. to point 111, being corner 27 of lot No. 392, thence following the Angalan River southward to point No. 112 being the mouth of the said river, thence following the shoreline of Tayabas Bay westward to point 113, being the mouth of Kinagunan River, thence following the said river to point 114, being B. B. M. No. 33, Burgos cadastre, thence N. 1° 06' W. 594.34 m. to point of beginning."

The municipality of Unisan shall consist of its present territory minus the territory comprised in the municipality of Agdangan.

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The organization herein made shall take effect April first, nineteen hundred and thirty-nine.

Done at the City of Manila, this third day of February, in the year of Our Lord, nineteen hundred and thirty-nine, and of the Commonwealth of the Philippines, the fourth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES
EXECUTIVE ORDER No. 213

ANNEXING A CERTAIN PORTION OF THE TERRITORY OF THE MUNICIPALITY OF MAJAYJAY, PROVINCE OF LAGUNA, TO THE MUNICIPALITY OF LILIO, SAME PROVINCE.

Upon recommendation of the Secretary of the Interior, the Secretary of Finance, and the provincial board of Laguna, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, there is hereby segregated from the municipality of Majayjay, Province of Laguna, and annexed to the municipality of Lilio, same province, that portion of territory bounded on the north by the municipality of Magdalena, on the east by the Maimpis River, on the south by the Banahao Forest Reservation, and on the west by the Bungcol River, which is more particularly described on the maps of the Majayjay cadastre, B. L. cadastre No. 188, as follows:

Beginning at a point marked "1" which is identical to M. B. M. No. 22 of Majayjay cadastre on the east bank of the Bungcol River; thence N. $52^{\circ} 53'$ E., 80.79 m. to point "2" which is corner 2 of the boundary map of case No. 3 of said cadastre; thence N. $56^{\circ} 10'$ E., 5.33 m. to point "3" which is corner 3 of same case; thence N. $51^{\circ} 48'$ E., 4.48 m. to point "4" which is M. B. M. No. 23 and identical to corner 4 of same case; thence N. $60^{\circ} 45'$ E., 63.74 m. to point "5" which is corner 5 of same case; thence N. $61^{\circ} 11'$ E., 81.42 m. to point "6" which is corner 6 of same case; thence N. $61^{\circ} 20'$ E., 30.92 m. to point "7" which is corner 7 of same case; thence N. $61^{\circ} 10'$ E., 69.02 m. to

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point "8" which is corner 8 of same case; thence N. 78° 25' E., 5.83 m. to point "9" which is corner 9 of same case; thence N. 58° 22' E., 71.67 m. to point "10" which is corner 10 of same case; thence N. 67° 12' E., 34.58 m. to point "11" which is corner 11 of same case; thence N. 62° 04' E., 70.36 m. to point "12" which is corner 12 of same case; thence N. 54° 04' E., 63.56 m. to point "13" which is corner 13 of same case; thence N. 76° 46' E., 21.11 m. to point "14" which is corner 14 of same case; thence N. 74° 47' E., 12.31 m. to point "15" which is M. B. M. No. 24 and identical to corner 15 of same case; thence N. 74° 03' E., 2.55 m. to point "16" which is corner 16 of same case; thence N. 72° 52' E., 7.97 m. to point "17" which is corner 17 of same case; thence N. 85° 48' E., 130.79 m. to point "18" which is corner 18 of same case; thence N. 89° 03' E., 4.81 m. to point "19" which is corner 19 of same case; thence N. 86° 32' E., 98.21 m. to point "20" which is corner 20 of same case; thence N. 83° 14' E., 3.64 m. to point "21" which is corner 21 of same case; thence N. 86° 42' E., 105.87 m. to point "22" which is corner 22 of same case; thence N. 87° 40' E., 130.88 m. to point "23" which is M. B. M. No. 25 and identical to corner 23 of same case; on the west bank of the Maimpis River; thence following the course of the said river in a southeasterly direction to point "24" which is corner 7 of lot No. 8969 of Majayjay cadastre, B. L. cadastre No. 188, case No. 9, belonging to Mateo Villeta; thence S. 0° 15' E., 1,645.72 m. to point "25" which is M. B. M. No. 19 and identical to corner 1 of lot No. 9033 of the same cadastre; thence N. 28° 42' W., 1,159.21 m. to point "26" which is corner 2 of said lot No. 9033 on the east bank of the dry creek forming the source of the Bungkol River; thence following the course of the said creek and river in a north-westerly direction to the point of beginning.

The changes herein made shall take effect on September first, nineteen hundred and thirty-nine, subject to the condition that the municipality of Lilio shall assume its propor-

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tionate share of such obligations of the municipality of Majayjay as may be outstanding on the aforesaid date.

Done at the City of Manila, this tenth day of July, in the year of Our Lord, nineteen hundred and thirty-nine, and of the Commonwealth of the Philippines, the fourth.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS
Secretary to the President

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 220

SEGREGATING FROM THE MUNICIPALITY OF BANATE, PROVINCE OF ILOILO, THE FORMER MUNICIPALITY OF ANILAO, AND ORGANIZING THE SAME INTO A SEPARATE MUNICIPALITY UNDER THE NAME OF ANILAO.

Whereas many of the inhabitants of the former municipality of Anilao have petitioned that the same be separated from the municipality of Banate, Province of Iloilo, and reorganized into an independent municipality;

Now, therefore, pursuant to the provisions of section sixty-eight of the Revised Administrative Code, and upon recommendation of the provincial board of Iloilo, the Secretary of the Interior and the Secretary of Finance, the thirty-five municipalities of the Province of Iloilo as established by section thirty-eight of the Revised Administrative Code, as amended by Commonwealth Act Numbered One hundred fifty-eight and Executive Order Numbered One hundred forty-three dated March fifteenth, nineteen hundred and thirty-eight, are hereby increased to thirty-six, by separating the former municipality of Anilao from the municipality of Banate and organizing the same into a separate municipality, under the name of Anilao, with the seat of government at the barrio of Anilao, subject to the condition that the new municipality shall assume the entire loan obligation of five thousand pesos contracted by the municipality of Banate for the construction of the Serallo public market.

The municipality of Anilao shall consist of the territory comprised in the former municipality of Anilao upon its fusion with the municipality of Banate under Act Numbered Seven hundred nineteen of the Philippine Commission. The

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municipality of Banate shall consist of its present territory less the territory comprised in the former municipality of Anilão.

The organization herein made shall take effect on October first, nineteen hundred and thirty-nine.

Done at the City of Manila, this eighth day of September, in the year of Our Lord, nineteen hundred and thirty-nine, and of the Commonwealth of the Philippines, the fourth.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS
Secretary to the President

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 224

AMENDING EXECUTIVE ORDER NO. 220, DATED SEPTEMBER 8, 1939

In view of the lack of material time to adjust the records of the municipality of Banate and the new municipality of Anilao, Province of Iloilo, for purposes of the forthcoming plebiscite on the proposed amendments to the Constitution of the Philippines as provided by Commonwealth Act Numbered Four hundred ninety-two and upon recommendation of the Secretary of the Interior, Executive Order Numbered Two hundred twenty, dated September eighth, nineteen hundred and thirty-nine, entitled, "Segregating from the municipality of Banate, Province of Iloilo, the former municipality of Anilao, and organizing the same into a separate municipality under the name of Anilao," which is to take effect on October first, nineteen hundred and thirty-nine, is hereby amended, so that the organization of the new municipality of Anilao shall take effect on November first, nineteen hundred and thirty-nine.

Done at the City of Manila, this twenty-eighth day of September, in the year of Our Lord, nineteen hundred and thirty-nine, and of the Commonwealth of the Philippines, the fourth.

MANUEL L. QUEZON,
President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 240

TRANSFERRING THE SEAT OF THE MUNICIPAL DISTRICT GOVERNMENT OF TANDUBAS, PROVINCE OF SULU, FROM ITS PRESENT LOCATION AT TANDUBAS TO THE BARRIO OF SI KUBUNG TAUSAN.

Upon the recommendation of the Provincial Board of Sulu in its Resolution No. 231, series of 1938, concurred in by the Commissioner for Mindanao and Sulu and the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the seat of the municipal district government of Tandubas, Sulu, is hereby transferred from its present location at the barrio of Tandubas to the barrio of Si Kubung Tausan.

The transfer herein made shall take effect on January 1, 1940.

Done at the City of Manila, this twenty-first day of December, in the year of Our Lord, nineteen hundred and thirty-nine, and of the Commonwealth of the Philippines, the fifth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 241

ORGANIZING A CERTAIN PORTION OF THE MUNICIPALITY OF JARO, ILOILO, INTO A REGULAR MUNICIPALITY UNDER THE NAME OF LEGANES.

Upon petition of the inhabitants of the "arrabal de Leganes," municipality of Jaro, province of Iloilo, that the said district be separated from the municipality of Jaro and organized into an independent municipality, and upon the recommendation of the Provincial Board of Iloilo, the Secretary of the Interior, and the Secretary of Finance, and pursuant to the provisions of Section sixty-eight of the Revised Administrative Code, the thirty-six municipalities of the province of Iloilo, established by Section thirty-eight of the Revised Administrative Code as modified by Commonwealth Act No. 158, as amended, and Executive Orders Nos. 143 and 220, dated March 15, 1938, and September 8, 1939, respectively, are hereby increased to thirty-seven by segregating the "arrabal de Leganes" from the municipality of Jaro and organizing it into a regular municipality, under the name of Leganes, with the seat of government in the barrio of Leganes.

The municipality of Leganes, as herein organized, shall consist of territory the boundaries of which are technically described as follows:

Beginning at a point marked "1" which is identical to M. B. M. No. 75 of Santa Barbara Cadastre, at the beach of Iloilo Strait, N. 41° 51' W. 616.22 meters to point "2", which is M. B. M. No. 79; thence N. 43° 21' W. 869.46 meters to point "3" which is M. B. M. No. 76; thence N. 38° 40' E. 107.02 meters to point "4" which is corner 3 of the Boundary Map of Case No. 4 of the same cadastre; thence following the course of Tacbac Creek in easterly and northwesterly directions to point "5" which is the junction of the said creek and Buntatala River; thence following the course of the said river in a westerly direction to point "6" which is the junction of the said river and Calongcalong Creek; thence following the course of the said creek in a northwesterly

direction to point "7" which is corner 375 of the boundary map of case No. 5 of the same cadastre; thence N. 35° 07' W. 70.49 meters to point "8" which is M. B. M. No. 78; thence N. 47° 13' W. 1197.00 meters to point "9" which is M. B. M. No. 80; thence N. 50° 19' W. 1316.21 meters to point "10" which is M. B. M. No. 81; thence N. 50° 54' W. 432.81 meters to point "11" which is M. B. M. No. 82; thence N. 7° 43' W. 872.26 meters to point "12" which is B. B. M. No. 24; thence N. 12° 38' E. 578.34 meters to point "13" which is B. B. M. No. 23; thence N. 77° 58' E. 1933.70 meters to point "14" which is B. B. M. No. 29; thence N. 77° 58' E. 50.00 meters, more or less, to point "15" which is the center of Lapayon Creek; thence following the course of the said creek in a northeasterly direction to point "16" which is the junction of the said creek and Calabao Creek; thence following the course of Calabao Creek in southeasterly and northeasterly directions to point "17" which is the junction of the said Calabao Creek and Payao Creek; thence following the course of Payao Creek in a northeasterly direction to point "18" which is the junction of Payao Creek and Janipa-an River; thence following the course of the said river and Jalaur River in a southeasterly direction to point "19" which is the mouth of Jalaur River at the Iloilo Strait; thence following the shore line of the said strait in a southwesterly direction to the point of beginning. All points referred to herein are shown on the boundary maps of Santa Barbara Cadastre, B. L. Cad. No. 7, cases Nos. 4 and 5.

The municipality of Jaro shall consist of its present territory less the territory comprised in the municipality of Leganes.

The organization herein made shall take effect on January 1, 1940, subject to the condition that the new municipality shall assume 23.68 per cent of the total outstanding obligation of the municipality of Jaro to the Agricultural and Industrial Bank.

Done at the City of Manila, this twenty-third day of December, in the year of Our Lord, nineteen hundred and thirty-nine, and of the Commonwealth of the Philippines, the fifth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 242

ORGANIZING A CERTAIN PORTION OF THE MUNICIPALITY OF TANGUB, MISAMIS OCCIDENTAL, INTO A REGULAR MUNICIPALITY UNDER THE NAME OF BONIFACIO.

Upon petition of the inhabitants of the barrios of Bolinsong, Bagumbang, Buracan, Dimalco, Galolot, and Tiaman that the said barrios be separated from the municipality of Tangub, Province of Misamis Occidental, and organized into a regular municipality, and upon recommendation of the Provincial Board of Misamis Occidental, the Secretary of Finance and the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the ten municipalities of the Province of Misamis Occidental, in accordance with Act Numbered Three thousand five hundred and thirty-seven and Executive Order Numbered two hundred and twenty, series of nineteen hundred and twenty-nine, are hereby increased to eleven by segregating the above-mentioned barrios from the municipality of Tangub, and organizing the same into a regular municipality under the name of Bonifacio, with the seat of government in the sitio of Digson.

The municipality of Bonifacio, as herein organized, shall consist of the territory the boundaries of which are technically described as follows:

Beginning at a point marked "1" which is identical to M. B. M. No. 2 (equal to P. B. M. No. 2) Tangub cadastre, B. L. Cad. No. 271, N. $0^{\circ} 02'$ W. 436.45 m. to "2" which is M. B. M. No. 3 (equal to P. B. M. No. 3); thence N. $0^{\circ} 01'$ W. 927.37 m. to point "3" which is M. B. M. No. 4 (equal to P. B. M. No. 4); thence North 832.65 m. to point "4" which is M. B. No. 5 (equal to P. M. B. No. 5); thence North 967.40 m. to point "5" which is M. B. M. No. 6 (equal to P. M. B. No. 6); thence N. $0^{\circ} 01'$ W. 451.72 m. to point "6" which is M. B. M. No. 7 (equal to P. B. M. No. 7); thence North 1006.55 m. to point "7" which is M. B. No. 8 (equal to P. B. M. No. 8); thence North 922.77 m. to

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point "8" which is M. B. M. No. 9 equal to P. B. M. No. 9); thence North 989.63 m. to point "9" which is M. B. M. No. 10 (equal to P. B. M. No. 10); thence N. 0° 02' E. 769.07 m. to point "10" which is M. B. M. No. 11 (equal to P. B. M. No. 11); thence North 9177.15 m. to point "11" which is M. B. M. No. 12 (equal to P. B. M. No. 12); thence East 8310.64 m. to point "12" which is the intersection of line 11-12 of the Boundary and Index Map of Tangub Cadastre, B. L. Case No. 4 and the line due north from B. L. L. M. No. 89; thence South 9600.20 m. to point "13" which is B. L. L. M. No. 89; thence S. 88° 43' W. 177.96 m. to point "14" which is corner 10 of the Boundary and Index Map of Tangub Cadastre, B. L. Case No. 3 on the east bank of Macalas creek; thence following the course of the said creek in a southeasterly direction to point "15" which is B. L. L. M. No. 77; thence following the course of the Dimalco creek in the same direction to point "16" which is the B. B. M. No. 19, at the junction of Dimalco creek and Bagumbang River in a southeasterly direction to point "17" which is the mouth of the said river at Pangil Bay; thence following the shore line of the said bay in a southwesterly direction to point "18" which is the mouth of Migpangi River; thence following the course of the said river in northwesterly and southwesterly directions to the point of beginning. All points referred to herein are shown on the Boundary and Index Map of Tangub Cadastre, B. L. Cad. No. 271, Cases Nos. 3 and 4.

The municipality of Tangub shall consist of its present territory less the territory comprised in the municipality of Bonifacio.

The organization herein made shall take effect January 2, 1940, subject to the condition that the new municipality shall assume the obligation of paying its proportionate share of the cost of the cadastral survey of the municipality of Tangub.

Done at the City of Manila, this twenty-eighth day of December, in the year of Our Lord, nineteen hundred and thirty-nine, and of the Commonwealth of the Philippines, the fifth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 266

ORGANIZING A CERTAIN PORTION OF THE MUNICIPALITY OF CAGAYAN, MISAMIS ORIENTAL, INTO AN INDEPENDENT MUNICIPALITY UNDER THE NAME OF ALUBIJID.

Upon the petition of the inhabitants of the barrios of Alubijid, Hitagum, Kibaghut, Laguindingan, Matangad, Mauswagon, and Pangayawan that the said barrios be separated from the municipality of Cagayan, Province of Misamis Oriental, and organized into a regular municipality, and upon recommendation of the provincial board of Misamis Oriental, the Secretary of the Interior, and the Secretary of Finance, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the eleven municipalities of the province of Misamis Oriental, in accordance with Act Numbered Thirty-five hundred and thirty-seven, as amended, are hereby increased to twelve by segregating the above-mentioned barrios from the municipality of Cagayan and organizing the same into a regular municipality under the name of Alubijid with the seat of government in the barrio of Alubijid.

The municipality of Alubijid as herein organized shall consist of the territory the boundaries of which are technically described as follows:

Beginning at a point marked "1" which is identical with M. B. M. No. 13 (old P. B. M. No. 15); thence N. 45° 28' W. 518.90 m. to point "2," which is M. B. M. No. 14; thence S. 65° 52' W., 52.02 m. to point "3," which is corner 7 of lot

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No. 14353 on the east bank of Taytayan Creek; thence following the course of said creek in a northwesterly direction to point "4," which is M. B. M. No. 15; thence N. $40^{\circ} 17'$ W., 686.30 m. to point "5," which is M. B. M. No. 16; thence N. $43^{\circ} 45'$ W., 924.42 m. to point "6," which is M. B. M. No. 17; thence following the barrio road in a northwesterly direction to point "7," which is M. B. M. No. 18; thence N. $20^{\circ} 35'$ W., 317.62 m. to point "8," which is M. B. M. No. 19; thence N. $5^{\circ} 22'$ W., 2.92 m. to point "9," which is corner 4 of lot No. 10355 of Santiago Salvador; thence N. $12^{\circ} 04'$ W., 23.67 m. to point "10," which is corner 1 of lot No. 14288 of Fausto Donque; thence N. $33^{\circ} 38'$ W., 70.66 m. to point "11," which is corner 2 of the same lot; thence following the shoreline of Macajalar Bay in a northeasterly and southeasterly directions to point "12," which is the intersection of the shoreline and the eastern boundary line of the barrio of Alubijid in front of corner 10 of lot No. 11409 of Pedro Akut; thence S. $28^{\circ} 18'$ W., 488.00 m., more or less, to point "13," which is B. B. M. No. 29; thence S. $28^{\circ} 18'$ W., 6865.00 m. to point "14," which is B. B. M. No. 30; thence N. $74^{\circ} 25'$ W., 2,798.40 m. to point "15," which is M. B. M. No. 11 (old P. B. M. No. 17); thence N. $58^{\circ} 49'$ W., 4,174.55 m. to point "16," which is M. B. M. No. 12 (old P. B. M. No. 16); thence S. $45^{\circ} 34'$ W., 3309.23 m. to the point of beginning. All points referred to herein are taken from the maps of Cagayan cadastre, B. L. Cadastre 237.

The municipality of Cagayan shall consist of its present territory less the territory comprised in the municipality of Alubijid.

The organization herein made shall take effect on July first, nineteen hundred and forty, subject to the condition that the new municipality shall assume the obligation of paying its proportionate share of the cost of the cadastral survey of the municipality of Cagayan, and the municipality of Cagayan shall continue to assume its entire obligation on account of the loan granted it by the former National Investment Board (now the Agricultural and Industrial Bank) for the construction of its municipal building.

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Done at the City of Manila, this fifteenth day of April,
in the year of Our Lord, nineteen hundred and forty, and
of the Commonwealth of the Philippines, the fifth.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS
Secretary to the President

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 275

TRANSFERRING THE SEAT OF GOVERNMENT OF THE MUNICIPALITY OF LUPU, CAMARINES SUR, FROM ITS PRESENT LOCATION AT THE BARRIO OF SAN PEDRO TO THE SITIO OF TAPI, BARRIO OF CABUTAGAN.

Upon the petition of the Municipal Council of Lupu and the recommendation of the Provincial Board of Camarines Sur, concurred in by the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the seat of government of the municipality of Lupu, Camarines Sur, is hereby transferred from its present location at San Pedro to the sitio of Tapi, barrio of Cabutagan, said municipality.

The transfer herein made shall take effect on June first, nineteen hundred and forty.

Done at the City of Manila, this eleventh day of May, in the year of Our Lord, nineteen hundred and forty, and of the Commonwealth of the Philippines, the fifth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 280

ABOLISHING THE BARRIO OF JESUS IN THE MUNICIPALITY OF BABATNGON, LEYTE, AND ANNEXING ITS TERRITORY TO THE BARRIO OF PLANZA, SAME MUNICIPALITY.

Upon the recommendation of the Secretary of the Interior and the Provincial Board of Leyte, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the barrio of Jesus, municipality of Babatngon, Province of Leyte, is hereby abolished, and its territory annexed to the barrio of Planza, in the same municipality.

The change herein made shall take effect on June first, nineteen hundred and forty.

Done at the City of Baguio, this seventh day of June, in the year of Our Lord, nineteen hundred and forty, and of the Commonwealth of the Philippines, the fifth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 295

SEGREGATING FROM THE MUNICIPALITY OF SANTA BARBARA, PROVINCE OF ILOILO, THE BARRIO OF ZARRAGA AND ORGANIZING THE SAME INTO A SEPARATE MUNICIPALITY UNDER THE NAME OF ZARRAGA, WITH THE SEAT OF GOVERNMENT AT THE BARRIO OF ZARRAGA.

Upon the recommendation of the Secretary of the Interior and the Secretary of Finance, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the barrio of Zarraga is hereby segregated from the municipality of Santa Barbara, Province of Iloilo, and organized into an independent municipality under the name of Zarraga, with the seat of government at the barrio of Zarraga.

The municipality of Zarraga as herein organized shall have the following boundary lines:

Beginning at a point marked "1" which is identical to M. B. M. No. 21 of Santa Barbara Cadastre, B. L. Cad. No. 7 Extension; thence S. 17° 33' E. 10.18 meters to point "2" which is corner 6 of the Boundary and Index Map of case No. 12 of the same cadastre; thence S. 26° 36' E. 20.03 meters to point "3" which is corner 7 of the same case; thence S. 9° 54' W. 76.71 meters to point "4" which is corner 8 of the same case at the middle of Jalaud River; thence following the course of the said river in a southerly direction to point "5" which is M. B. M. No. 22, at the junction of Jalaud River and Talauguis River; thence following the course of the said Talauguis River in a south-

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easterly direction to point "6" which is the mouth of the said river at the Iloilo Strait; thence following the shoreline of the said strait in a westerly direction to point "7" which is the mouth of Jalaud River; thence following the course of the said river in a northwesterly direction to point "8" which is the junction of the Jalaud River and Janipaan River; thence following the course of Janipaan River in the same direction to point "9" which is B. B. M. No. 61; thence N. 5° 24' E. 363.12 meters to point "10" which is B. B. M. No. 62; thence N. 12° 15' W. 196.50 meters to point "11" which is B. B. M. No. 97; thence N. 12° 19' W. 707.55 meters to point "12" which is B. B. M. No. 64; thence N. 61° 11' W. 206.54 meters to point "13" which is corner 28 of lot No. 9349 of Sabas Gustilo and wife, on the south bank of Janipaan River; thence following the course of the said river in a northerly direction to point "14" which is B. B. M. No. 33; thence S. 74° 45' E. 396.97 meters to point "15" which is B. B. M. No. 34; thence N. 19° 05' E. 466.91 meters to point "16" which is B. B. M. No. 35; thence N. 43° 11' W. 594.87 meters to point "17" which is B. B. M. No. 30; thence N. 43° 11' W. 22.00 meters, more or less, to point "18" which is the center of Janipaan River; thence following the course of the said river in a northeasterly direction to point "19" which is the intersection of the center line of the said river and the line extended from B. B. M. No. 28; thence N. 87° 16' E. 34.00 meters, more or less, to point "20" which is B. B. M. No. 28; thence N. 87° 16' E. 317.15 meters to point "21" which is M. B. M. No. 17; thence S. 59° 21' E. 1,681.77 meters to point "2" which is M. B. M. No. 18; thence S. 59° 17' E. 2,113.90 meters to point "23" which is M. B. M. No. 19; thence S. 59° 33' E. 939.20 meters to point "24" which is M. B. M. No. 20; thence S. 44° 34' E. 318.44 meters to the point of beginning. All points referred to herein are shown on the Cadastral Map sheet No. 711 and Boundary and Index Maps of Santa Barbara Cadastre, B. L. Cad. No. 7 and 7-Extension, cases Nos. 7, 10 and 12.

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The municipality of Santa Barbara shall consist of its present territory minus the territory of the new municipality of Zarraga as herein specified.

The organization herein made shall take effect January 1, 1941.

Done at the City of Manila, this twelfth day of August, in the year of Our Lord, nineteen hundred and forty, and of the Commonwealth of the Philippines, the fifth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 296

SEGREGATING FROM THE MUNICIPALITY OF JORDAN, PROVINCE OF ILOILO, THE FORMER MUNICIPALITY OF NUEVA VALENCIA, AND ORGANIZING THE SAME INTO AN INDEPENDENT MUNICIPALITY UNDER THE NAME OF NUEVA VALENCIA, WITH THE SEAT OF GOVERNMENT AT THE BARRIO OF SANTA ANA.

Upon the recommendation of the Secretary of the Interior and the Secretary of Finance, and pursuant to the provisions of section sixty-eight of the revised Administrative Code, the former municipality of Nueva Valencia is hereby segregated from the municipality of Jordan, Province of Iloilo, and organized and reestablished as an independent municipality under the name of Nueva Valencia, with the seat of government at the barrio of Santa Ana.

The municipality of Nueva Valencia as herein organized shall comprise the territory separated from the mother municipality by the Kabilao and Sibunag Rivers and by a straight line from the intersection of the Jordan-Nueva Valencia provincial road and the Kabilao River to the Garangan Hill, consisting of the barrios of Cabalagnan, Calaya, Concordia, Dolores, Guiwanon, La Paz, Lucmayan, Magamay, Nueva Valencia, Pandaraonan, Panobolon, Salvacion, Santa Ana and Tando.

The municipality of Jordan shall consist of its present territory minus the territory of the new municipality of Nueva Valencia as herein specified.

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The organization herein made shall take effect January 1, 1941.

Done at the City of Manila, this twelfth day of August in the year of Our Lord, nineteen hundred and forty, and of the Commonwealth of the Philippines, the fifth.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS
Secretary to the President

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 316

SEGREGATING FROM THE MUNICIPALITY OF GUINAYANGAN, PROVINCE OF TAYABAS, THE BARRIOS OF ALONEROS, BAGONG SILANG, BALOGO, CABIBIHAN, CATIMO, DANLAGAN, KABUGWANG, KANDALAPDAP, MALBOG, MONATO, MAÑGAYAW, QUINATACUTAN, SIGUIWAN, TAGCAWAYAN, AND TRIUMFO, AND ORGANIZING THE SAME INTO AN INDEPENDENT MUNICIPALITY UNDER THE NAME OF TAGCAWAYAN, WITH THE SEAT OF GOVERNMENT AT THE BARRIO OF TAGCAWAYAN.

Pursuant to the provisions of section 68 of the Revised Administrative Code, the barrios of Aloneros, Bagong Silang, Balogo, Cabibihan, Catimo, Danlagan, Kabugwang, Kandalapdap, Malbog, Monato, Mañgayaw, Quinatacutan, Siguwan, Tagcawayan, and Triumfo are hereby segregated from the municipality of Guinayangan, Province of Tayabas, and organized into an independent municipality under the name of Tagcawayan, with the seat of government at the barrio of Tagcawayan.

The municipality of Guinayangan shall consist of its present territory minus the territory comprised in the barrios of the new municipality of Tagcawayan as herein specified.

The organization herein made shall take effect January 1, 1941.

Done at the City of Manila, this thirty-first day of December, in the year of Our Lord, nineteen hundred and forty and of the Commonwealth of the Philippines, the sixth.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS
Secretary to the President

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 330

AMENDING EXECUTIVE ORDER NO. 316, ORGANIZING THE MUNICIPALITY OF TAGCAWAYAN, TAYABAS

I, Manuel L. Quezon, President of the Philippines, do hereby order that the first paragraph of Executive Order No. 316, dated December 31, 1940, be, as it hereby is, amended so as to read as follows:

"Pursuant to the provisions of section 68 of the Revised Administrative Code, the barrios of Alonerós, Bagong Silang, Laurel, Cabibihan, Catimo, Danlagan, Kabugwang, Kandalapdap, Malbog, Monato, Mañgayaw, Quinatacutan, Siguiwan, Tagcawayan, Ticay, and Triumfo, and the sitios of Aliji, Bamban, Bukal, Danlagan, Batis, Del Rosario, Manatong Ilaya, Manatong Munti, Malupot, San Luis, San Roque Manato, Sto. Niño, and that portion of Tuba falling within the jurisdiction of the province of Tayabas are hereby segregated from the municipality of Guinayangan, province of Tayabas, and organized into an independent municipality under the name of Tagcawayan, with the seat of government at the barrio of Tagcawayan."

Done at the City of Manila, this seventh day of March, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 336

DEFINING THE TERRITORIAL LIMITS OF THE CITY OF TAGAYTAY

Pursuant to the provisions of section sixty-eight of the Revised Administrative Code and section three of Commonwealth Act Numbered Three hundred and thirty-eight, the boundary limits of the territory of the City of Tagaytay are hereby established and defined as follows:

Beginning at a point marked "1" on the plan, being N. 74° 47' E., 699.46 m. from B. L. L. M. No. 1 of Alfonso Crossing, thence N. 17° 50' W., 2,598.35 m. to point 2; thence N. 70° 56' E., 16,332.00 m. to point 3; thence S. 51° 18' E., 2,942.47 m. to point 4; thence S. 61° 10' W., 8,368.40 m. to point 5; thence S. 6° 45' E., 2,576.94 m. to point 6; thence along the shore of Taal Lake to point 11; thence N. 18° 14' W., 1,758.28 m. to point 12; thence S. 78° 40' W., 4,611.64 m. to point 13; thence N. 37° 07' W., 1,478.00 m. to point 1; the point of beginning; containing an area of 7,493.5 hectares, more or less. Bearings true.

For the purpose of computation, the points along the shore of Taal Lake from point 6 to point 11, have been taken as follows:

From point 6; thence N. 77° 46' W., 613.94 m. to point 7; thence S. 76° 44' W., 1,438.40 m. to point 8; thence S. 11° 50' W., 660.41 m. to point 9; thence S. 44° 10' W., 1,205.89 m. to point 10; thence S. 67° 51' W., 1,047.30 m. to point 11.

For the purposes of Act Numbered Four thousand and three, known as the Fisheries Act, as amended, and for police purposes, the territorial limits of the City of Tagaytay shall also extend over the waters of the Taal Lake included

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between two lines drawn perpendicular to the general coastline from the points where the boundary lines of the City touch the lake at low tide, and a third line parallel with the general coastline and distant from it three kilometers.

The municipality of Talisay, Province of Batangas, and the municipality of Alfonso, Province of Cavite, which are affected by this Order, shall consist of their present territories less the portions of territory comprised within the new boundary limits of the City of Tagaytay as herein described.

The changes herein made shall take effect on April 1, 1941.

Done in the City of Baguio, this first day of April, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS
Secretary to the President

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 343

REORGANIZING THE BARRIOS OF MAHABANG PARANG AND SOROSORO, MUNICIPALITY OF BATANGAS, PROVINCE OF BATANGAS

Upon the recommendation of the Provincial Board of Batangas, concurred in by the Secretary of the Interior, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the barrios of Mahabang Parang and Sorosoro, municipality of Batangas, Province of Batangas, are hereby reorganized.

The barrio of Mahabang Parang shall consist of the territory comprised in the sitios of Mahabang Parang Calzada and Sorosoro Calzada, and the barrio of Sorosoro shall consist of the territory comprised in the sitios of Sorosoro Bondoc and Mahabang Parang Pooc.

The barrios of Mahabang Parang and Sorosoro as herein reorganized shall have the following boundary lines:

Barrio of Mahabang Parang.—Beginning at a point marked "1" which is identical to B. B. M. No. 57, Batangas Cadastre, B. L. Cad. No. 264, S. 85° 07' W. 881.78 meters to point "2" which is B. B. M. No. 44; thence N. 86° 43' W. 7.16 meters to point "3" which is corner 13 of lot No. 4718 of the same cadastre, case No. 6, as surveyed for Ramon Sarmiento; thence S. 79° 33' W. 3.37 meters to point "4" which is corner 14 of the same lot at the east bank of Patay River; thence following the course of the said river and Balete River in a northerly direction to point "5" which is corner 6 of lot No. 4366 of the same cadastre, case No. 5, as surveyed for Antonino Balido on the east bank of the said Balete River; thence S. 71° 49' E. 15.13 meters to point "6" which is B. B. M. No. 46; thence S. 81° 49' E. 255.53.

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meters to point "7" which is B. B. M. No. 47; thence N. $82^{\circ} 34'$ E. 600.00 meters, to point "8" which is the center line of Catabanin River; thence following the course of the said river in a southwesterly direction to point "9" which is corner 14 of lot No. 4444 of the same cadastre, case No. 5, as surveyed for Marto Plata on the south bank of the said river; thence S. $29^{\circ} 01'$ E. 1,163.27 meters to point "10" which is corner 4 of lot No. 4806 of the same case, as surveyed for Damian Bautro, at the north end of Arroyo Tangisan; thence following the course of the said Arroyo in a southwesterly direction to point "11" which is the junction of Tinga River and the said Arroyo Tangisan; thence following the course of the said Tinga River in a northwesterly direction to point "12" which is the intersection of the extension line of line 1-2 (mentioned above) and with the said river; thence S. $85^{\circ} 07'$ W. 33.50 meters, more or less, to the point of beginning.

All points referred to herein are shown on the Boundary and Index maps and cadastral map sheets of Batangas, B. L. Cad. No. 264, cases Nos. 5 and 6.

Barrio of Sorosoro.—Beginning at a point marked "1" which is identical to B. B. M. No. 54, Batangas Cadastre, B. L. Cad. No. 264, N. $86^{\circ} 32'$ W. 760.82 meters to point "2" which is B. B. M. No. 55; thence N. $86^{\circ} 32'$ W. 12.00 meters, more or less, to point "1" which is the center line of Arroyo Tangisan; thence following the course of the said arroyo in northerly direction to point "4" which is corner 4 of Lot No. 4806 of the same Cadastre, case No. 5 as surveyed for Damian Bautro; thence N. $29^{\circ} 01'$ W. 1,163.27 meters to point "5" which is corner 14 of lot No. 4444 of the same case, as surveyed for Marto Plata, at the south bank of Catabanin River; thence following the course of the said river in a northeasterly direction to point "6" which is the intersection of the said river and line B. B. M. No. 47 to B. B. M. No. 48; thence N. $82^{\circ} 34'$ E. 398.50 meters to point "7" which is B. B. M. No. 48; thence N. $81^{\circ} 46'$ E. 521.41 meters to point "8" which is B. B. M. No. 49; thence N. $81^{\circ} 46'$ E. 44.50 meters, more or less, to point "9" which is the center line of Tipakan River; thence following the course of the said

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river, Bukal and Bago Rivers in a southeasterly and south-westerly directions to point "10" which is the junction of Bago and Tabas Rivers; thence following the course of the said Tabas River in a northwesterly direction to point "11" which is the intersection of the said river and the extension line of line 1-2 (mentioned above); thence N. 86° 32' W. 48.00 meters, more or less, to the point of beginning.

All points referred to herein are shown on the Boundary and Index maps and cadastral map sheets of Batangas Cadastre, B. L. Cad. No. 264, cases Nos. 5 and 7.

The reorganization herein made shall take effect immediately.

Done at the City of Baguio, this twelfth day of May, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

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MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS
Secretary to the President

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 352

CONVERTING THE MUNICIPAL DISTRICT OF TAGUM, PROVINCE OF DAVAO, INTO A MUNICIPALITY UNDER THE SAME NAME.

Upon the recommendation of the Secretary of the Interior and the Secretary of Finance, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the municipal district of Tagum, province of Davao, is hereby converted into a municipality under the same name, with the temporary seat of government at the barrio of Hijo.

The municipality of Tagum shall have the following boundary lines:

Beginning at the Bureau of Lands municipal boundary monument near the north of Lasang River and running in a northerly direction along said Lasang River to another Bureau of Lands municipal boundary monument near the junction of Madua and Lasang Rivers; thence in a southwesterly direction to a Bureau of Lands municipal boundary monument at the junction of Tagactac and Bunawan Rivers to a Bureau of Lands municipal boundary monument near said river and approximately at latitude $7^{\circ} 13'$ north; thence in a westerly direction along this parallel to its intersection with meridian $125^{\circ} 33'$ east of Greenwich; thence due north following said meridian to its intersection with latitude $7^{\circ} 28' 20''$ N.; thence in an easterly direction along the southern boundary line of the municipal district of Kapalong to the junction of Magdagundung and Liboganon Rivers; thence in an easterly direction following the southern boundary line of the municipal districts of Saug and Compostela to its intersection with meridian $125^{\circ} 56' 30''$ east of Green-

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wich; thence due south following said meridian to its intersection with Lapinigan River; thence following the southwesterly course of Lapinigan River until its mouth at the Davao Gulf; thence following the coast line to Bureau of Lands municipal boundary monument near the mouth of Lasang River, the point of beginning.

The municipality of Tagum shall consist of the eight barrios of Bincoñgan, Hijo (Población), Lasang, Madaum, Magugpo, Mawab, Pagsabañgan, and Tuganay.

The conversion herein made shall take effect on July 1, 1941.

Done at the City of Manila, this twenty-seventh day of June, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS
Secretary to the President

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 353

SEGREGATING FROM THE MUNICIPALITY OF PAGADIAN, PROVINCE OF ZAMBOANGA, THE BARRIOS OF CEBUANO BARRACKS, PARASAN AND TAMBULIG AND ORGANIZING THE SAME INTO A SEPARATE MUNICIPALITY UNDER THE NAME OF AURORA, WITH THE SEAT OF GOVERNMENT AT THE BARRIO OF CEBUANO BARRACKS.

Upon the recommendation of the Secretary of the Interior and the Secretary of Finance, and pursuant to the provisions of section sixty-eight of the Revised Administrative Code, the barrios of Cebuano Barracks, Parasan and Tambulig are hereby segregated from the municipality of Pagadian, Province of Zamboanga, and organized into an independent municipality under the name of Aurora, with the seat of government at the barrio of Cebuano Barracks.

The municipality of Pagadian shall consist of its present territory minus the territory of the new municipality of Aurora.

The organization herein made shall take effect on January 1, 1942.

Done at the City of Manila, this first day of July, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 33

CREATING THE DEPORTATION BOARD

Whereas, for the purpose of conducting investigations in the manner specified in section sixty-nine of the Administrative Code and recommending deportation of aliens in such cases as may require it, there has heretofore been constituted a board under Executive Order Numbered Four hundred ninety-four, as amended by Executive Orders Numbered Six hundred fifty-six and Seven hundred ninety-two; and

Whereas, in view of the changes brought about by the establishment of the Commonwealth Government, it becomes necessary and expedient to continue the functions of such board under rules and regulations consistent with the supervision and control of foreign affairs by the United States Government, as set forth in the Act of Congress of March twenty-fourth, nineteen hundred and thirty-four, and as embodied in Ordinance Numbered Two of the Constitution; and the President of the United States has delegated to the United States High Commissioner the duties and functions necessary to the exercise of such supervision and control;

Now, therefore, by virtue of the powers conferred upon me by the Constitution and the existing laws, I hereby name and appoint the Solicitor-General, the Provost Marshal General, the Insular Collector of Customs and the Chief of Police of the City of Manila, the first as chairman and the last three, or their authorized deputies, as members, of a board which is hereby constituted, to be known as the Deportation Board, with authority to take action on all complaints that certain persons in the Philippines are undesirable aliens, and conduct investigations thereunder in the manner prescribed in section sixty-nine of the Administrative Code, and thereafter to recommend the deportation of aliens in such cases as may require, all in accordance with, and in pursuance of, the following rules and regulations:

1. Every person complained against before the Deportation Board shall be informed of the charge or charges against him and shall be allowed not less than three days from notice

thereof for the preparation of his defense. He shall have the right to be heard by himself or counsel, to produce witnesses in his own behalf and to cross-examine the opposing witnesses.

2. The proceedings before the Board shall be reduced to **writing, and a full record of the proceedings** shall be kept in all cases and shall include a statement of the findings and conclusions of the Board signed by the members thereof. A majority of the members shall constitute a quorum and a vote of three of them shall be necessary to arrive at a decision. Any dissent from the majority opinion shall also be reduced to writing and filed with the records of the proceedings.

3. The findings and recommendations of the Deportation Board, with a full record of the proceedings, shall be transmitted to the Office of the President for appropriate action. In the event deportation is recommended, the record and findings shall be transmitted to the United States High Commissioner to the Philippine Islands for such further action as may be deemed necessary and proper, including arrangements for actual deportation with the government concerned. Upon completion of such arrangements and proper notice, final order of deportation will be issued by the **President of the Philippines.**

Executive Order Numbered Four hundred ninety-four, as amended by Executive Orders Numbered Six hundred fifty-six and Seven hundred ninety-two, is hereby revoked.

Done at the City of Manila, this twenty-ninth day of May, in the year of Our Lord, nineteen hundred and thirty-six, and of the Commonwealth of the Philippines, the first.

MANUEL L. QUEZON

President of the Philippines

By the President:

ELPIDIO QUIRINO

Secretary of the Interior

MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 257

AMENDING EXECUTIVE ORDER NO. 33, CREATING THE DEPORTATION
BOARD

I, Manuel L. Quezon, President of the Philippines, do hereby order that the third paragraph of Executive Order No. 33, dated May 29, 1936, be, as it hereby is, amended so as to read as follows:

"Now, therefore, by virtue of the powers conferred upon me by the Constitution and the existing laws, I hereby name and appoint the Solicitor-General, the Chief of Constabulary, the Insular Collector of Customs, the Chief of the Immigration Office, and the Chief of Police of the City of Manila, the first as Chairman and the last four, or their authorized deputies, as Members, of a board which is hereby constituted, to be known as the Deportation Board, with authority to take action on all complaints that certain persons in the Philippines are undesirable aliens, and conduct investigations thereunder in the manner prescribed in section 69 of the Administrative Code, and thereafter to recommend the deportation of aliens in such cases as may require, all in accordance with, and in pursuance of, the following rules and regulations:"

Done at the City of Manila, this twelfth day of March in the year of Our Lord nineteen hundred and forty, and of the Commonwealth of the Philippines, the fifth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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[COMMONWEALTH ACT No. 233]

AN ACT TO PROVIDE FOR THE HOLDING OF ELECTIONS OF PROVINCIAL, CITY, AND MUNICIPAL OFFICERS AND AMEND FOR SAID PURPOSE CERTAIN SECTIONS OF THE ADMINISTRATIVE CODE ON ELECTIONS AND KINDRED MATTERS.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Sections three hundred and ninety-three, three hundred and ninety-seven, four hundred and three, four hundred and four, four hundred and five, four hundred and ten, four hundred and fourteen, four hundred and seventeen, four hundred and twenty-five, four hundred and twenty-seven, four hundred and twenty-eight, four hundred and thirty-one, four hundred and thirty-two, four hundred and thirty-seven, four hundred and forty-two, four hundred and fifty-two, four hundred and fifty-five, four hundred and sixty-nine, four hundred and seventy, four hundred and seventy-five, four hundred and seventy-six, two thousand and seventy-one, two thousand and seventy-four, two thousand one hundred and seventy-seven, twenty-four hundred and forty, twenty-six hundred and five, twenty-six hundred and thirty-seven, twenty-six hundred and forty-five, and twenty-six hundred and sixty and one-half, of the Administrative Code, as amended, are hereby further amended to read, respectively, as follows:

"SEC. 398. *Dates for regular elections for, and induction into, provincial, city and municipal offices.*—(a) A regular election shall be held on the second Tuesday in December,

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nineteen hundred and thirty-seven and upon the same day every three years thereafter, to elect the officers who are to occupy all elective provincial, city, and municipal offices throughout the Philippines.

“(b) The officers elected in a regular election shall assume office on the first day of January of the next following year.”

“SEC. 397. *Expenses of elections.*—(a) The expenses of an election shall be paid in full in each city or municipality by the municipal treasurer concerned and shall be charged to the branch of the government for which the election was held. In case of a simultaneous election for two or more branches of the government, the cost shall be paid in equal parts by the respective treasuries.

“(b) The expenses incident to the holding of the first election in a new municipality shall be advanced, so far as necessary for the proper conduct of the election, by the province, and such advance shall be afterwards reimbursed by the municipality benefited.”

“SEC. 403. *Limitation upon reëlection.*—A third consecutive reëlection to the offices of provincial governor and mayor shall be prohibited after the regular election of nineteen hundred and thirty-seven.”

“SEC. 404. *Certificate of candidacy.*—(a) No person shall be eligible for any elective office unless, within the time fixed by law, he shall file a duly sworn certificate of candidacy. Nor shall any person be eligible for more than one office to be filled at the same election, and if he files certificates of candidacy for more than one office, the same shall all be null and void.

“(b) Said certificate shall declare that the person concerned announces his candidacy for the office mentioned therein; that he is a resident of the province, city or municipality in which his candidacy is offered; and that he is eligible to the office. The certificate shall also state the name of the political party to which the candidate belongs, if any, the post-office address of said candidate for all electoral purposes, and a statement that his expense budget for the electoral campaign will not exceed one-third of the

total emoluments attached to the office for the term of the same.

“(c) In case there are two or more candidates for the same elective office who have the same name and surname, each shall state in his certificate of candidacy, in addition to his name, his paternal and maternal surnames, with the exception of any one of them who has at any time been elected to any elective office, who may continue using the name and surname set forth in his previous certificate of candidacy.

“(d) Certificates of candidacy shall not contain more than one nickname of the candidate.

“(e) Any candidate who, in any action or contest to which he may have been a party, shall have been convicted, by final judgment of a competent court, of having incurred greater expenses in an electoral campaign than those above stated, shall be disqualified to continue to be a candidate or, if elected, to fill the office.”

“SEC. 405. *Filing and distribution of certificates of candidacy.*—(a) Certificates of candidacy for national offices shall be filed not less than thirty days before the day set for the election with the Secretary of the Interior, who shall immediately send certified copies thereof to the Secretary of the National Assembly and to the secretary of the provincial board of the province where the elections are to be held, which latter official shall immediately forward certified copies to all polling places. The Secretary of the Interior shall communicate the names of said candidates to the secretary of the provincial board by telegraph, if there be any. If the certificate of candidacy is mailed, it shall be sent by registered mail, and the date on which the envelope was mailed in the post office of origin may be considered as the filing date thereof if confirmed by a telegram addressed to the Secretary of the Interior on the same date.

“(b) Certificates of candidacy for provincial offices shall be filed not less than twenty days before the day of the election with the secretary of the provincial board of the

province concerned, who shall immediately send certified copies thereof to all polling places of the province and to the Secretary of the Interior.

“(c) Certificates of candidacy for city and municipal offices shall be filed not less than twenty days before the day of the election with the secretary of the municipal board of the city or the municipal secretary, as the case may be, who shall immediately send certified copies thereof to the polling places concerned and to the Secretary of the Interior.

“(d) It shall be the ministerial duty of the Secretary of the Interior, the secretary of the provincial board, the secretary of the municipal board, and the municipal secretary, as the case may be, to receive any certificate of candidacy for national, provincial, city, and municipal office, respectively, and to acknowledge receipt thereof immediately.

“(e) In case of the death or disqualification of a candidate whose certificate of candidacy has been duly filed, after expiration of the time limits above established, any legally qualified citizen may file with the secretary of the provincial board, the secretary of the municipal board, or the municipal secretary, without distinction, not later than the noon hour on the day of the election, his own certificate of candidacy for the office for which the deceased or disqualified person was a candidate, and in the event of the death or disqualification occurring on the day before the election or before the noon hour on the day of the election, said certificate may be filed with any board of inspectors of the municipality where he resides.

“(f) Any person holding any appointive public office or position shall automatically cease to hold the same on the date of filing his certificate of candidacy.”

“SEC. 410. *Arrangement of election precincts.*—(a) The election precincts shall be so arranged that no precinct shall have more than four hundred voters, and each shall comprise, as far as practicable, contiguous and compact territory.

“(b) When it appears that an election precinct contains more than four hundred voters, the municipal council shall make such adjustment or new division as may be necessary.

“(c) When a municipality has been merged into another it shall constitute at least one election precinct, if the distance between the remotest barrio of the merged municipality and the nearest polling place of the municipality to which it is annexed shall, by the shortest road, exceed five miles.”

“SEC. 414. (a) *Designation of polling places.*—At least seventy days before each regular election the municipal board or council of the city or municipality in which such election is to be held shall designate in each election precinct a place, as centrally located with respect to the residences of the voters as is practicable, where the meetings of the board of inspectors for registration and the election shall be held. Each place so designated shall, if practicable, be a room upon the lower floor, of sufficient size to admit and comfortably accommodate twenty electors at one time outside the guard rails. But no building shall be selected when it is so constructed that the interior of the voting booths placed in its lower story can be seen from one of its upper stories or from any part of it. No liquors shall be sold, served, or drunk or cockfights held in any building so designated from the time of designation until the day after election. If for any cause a place so designated shall thereafter and before election be destroyed or for any cause, cannot be used, the municipal board or council shall forthwith meet and designate another. No more than one polling place shall be in the same room.

“(b) *Portable polling places.*—Whenever a municipal council shall be unable to procure suitable places, or whenever it shall be more economical so to do, such council may provide temporary or portable structures adequate to the purpose. Such structures may be erected in any public street or plaza, but not so as to block traffic thereon.

“(c) *Buildings that shall not be used as polling places.*—No building owned or inhabited by any person who is a candidate for any office for which votes are to be cast in any election precinct shall be used as a polling place for that precinct, nor shall any polling place be located or estab-

lished at places under the control of any private society or corporation, unless in such places there is no properly constructed and established road and they are over six kilometers distant from the *población* or nearest barrio.

“(d) *Changes of polling places.*—After a polling place has been designated, its location shall not be changed until the next regular election, unless it is ordered otherwise by competent authority.

“(e) *Furnishing ballot boxes, office supplies, and materials for election.*—The Secretary of the Interior shall prepare and furnish all office supplies, ballot boxes, and other materials necessary for the registration and holding of the election.

“(f) *Construction, inscriptions, and keys of ballot boxes.*—The ballot boxes shall be uniform throughout the Philippines and shall be solidly constructed in such manner that they cannot be opened except by means of three different keys, and one of said keys shall during the voting and the counting of the votes be in the hands of each inspector, and immediately upon the completion of the count, the keys shall be placed in separate envelopes sealed and signed by the watchers present and by each inspector, and it shall be the duty of the provincial commander, or his authorized representative, immediately to take charge of said envelopes and to retain one of them in his custody, and deliver one to the provincial treasurer and the other to the clerk of the court of first instance, which officers shall keep them for a period of six months, unless sooner demanded by the proper courts, and shall at the expiration of such period return them to the provincial treasurer who shall keep them until the next election. The box for valid ballots shall be white and shall bear the following inscription in large legible letters: *Box for valid ballots*; and the box for spoiled ballots, which shall be much smaller than the other, shall be red and shall bear the following inscription in large legible letters: *Box for spoiled ballots*.

“(g) *Signs and flags on polling places.*—The place set aside for a polling place shall have in front a sign showing the precinct to which it belongs, and on days of meeting

of the board of inspectors the official flags of the Government shall be hoisted at the proper height.

“(k) *Direct supervision of elections.*—The Secretary of the Interior shall see particularly that the local authorities perform faithfully and impartially the ministerial duties assigned to them by this Act, and may for this purpose apply for the aid of the services of the Solicitor General, and designate as his deputies the provincial fiscals and other officers or agents of the law that may be necessary to secure an orderly, free, and honest election.”

“SEC. 417. *Appointment of inspectors and poll clerks.*—

(a) It shall be the duty of the board or council in each city or municipality wherein a regular election is to be held, to appoint, seventy days immediately prior to the date of such election, a board of election inspectors composed of three inspectors and a poll clerk, with their respective substitutes, for each election precinct therein, who shall hold office for three years or until their successors shall have taken charge of the same.

“(b) The date of the meeting for the appointment of inspectors shall be published at least fifteen days in advance of such meeting, in the local press or by the town crier and other means of publication, and shall be communicated by registered mail to the representatives of each party in the locality or, in the absence of local representatives, to the representatives of each party in the province.

“(c) Two of the inspectors and the poll clerk, and their substitutes, shall belong to the party which polled the largest number of votes in the city, municipality or municipal district at the next preceding election, and the other inspector and his substitute shall belong to the party which polled the next largest number of votes at said election. In computing the number of votes polled by each party for the appointment of inspectors for a regular election of provincial and city or municipal officers, the votes polled by all the candidates for said offices belonging to said party according to their certificates of candidacy shall be counted, and in the case of the appointment of inspectors for a regular election for President or Vice-President of the Phil-

ippines and Members of the National Assembly, or only the latter, the votes polled by the candidates for the offices to be filled belonging to the party concerned according to their certificates of candidacy shall be counted for the purposes of said computation.

“(d) In case the parties which polled the largest and next largest number of votes at the next preceding election present only one candidate for each office to be voted for in the city or municipality, the other inspector shall belong to the same party as the opposing candidates, and if there be more than one opposing party presenting candidates, said inspector shall belong to the party first organized in the locality.

“(e) An inspector shall not be granted to any branch or fraction which has seceded since the general election of nineteen hundred and thirty-four or may hereafter secede from its respective party, or from the party resulting from their merger.

“(f) The election inspectors and poll clerks and their respective substitutes shall be persons proposed by the authorized representatives of the national directorates of the parties. The representatives of the parties in the municipality or province, as the case may be, shall communicate in writing, at least three days before the meeting for the appointment of inspectors is held, the names, surnames, and post-office addresses of the persons who are to act as their representatives in the designation of the election inspectors.

“(g) An election inspector or poll clerk may be replaced at any time at the request of the party which proposed his appointment, and if there is no time to hold a meeting of the municipal board or council for said purpose, or such board or council fails to act or come to an agreement, the duties of the office of inspector or poll clerk, as the case may be, shall be performed by the substitute or, in his absence, by the person designated by the party concerned.

“(h) A ‘political party’ or simply ‘party’ is an organized group of persons who pursue the same political ideals in a government, and includes its branches and fractions.

“(i) In case of a vacancy in the office of election inspector or poll clerk, the same shall be filled for the remainder of the term as above provided.

“(j) With the exception of the notaries public, no person who holds any public office, or is a candidate for any public office, shall be eligible for appointment as inspector or poll clerk.

“(k) No person convicted of a violation of the Election Law or against whom an information for such a violation is pending shall be appointed election inspector or poll clerk, nor shall a person continue in said office if after his appointment an information has been filed against him for the violation of said Law. In the latter case, the position shall be immediately taken by the substitute and the municipal board or council shall proceed as soon as possible to appoint the successor of the disqualified person, and said successor shall necessarily belong to the party of his predecessor, and once appointed, he shall assume office and the substitute shall cease.

“(m) A councilor failing to attend a meeting of the municipal council called for the purpose of complying with the order of any court concerning the appointment of election inspectors or poll clerk, shall be immediately suspended and replaced temporarily by a person belonging to the same party as the suspended councilor.”

“SEC. 425. *Permanent list of voters every twelve years; registration necessary to be able to vote.*—(a) In each municipality a permanent list of voters shall be prepared for the regular election for provincial, city and municipal offices of December 1937, and shall be completely renewed every twelve years thereafter. All former lists of voters are hereby cancelled.

“(b) The treasurer of each city or municipality shall publish and post in conspicuous places in each election precinct, as soon as possible after the regular election in December, 1937, the permanent list of voters used at said election, classified by election precincts, and, one month before each regular or special election, a supplement showing the

eliminations, additions and other changes made in the meantime.

“(c) No person shall vote at a regular or special election whose name is not contained in the list of voters.”

“SEC. 427. (a) *Meetings for the preparation or revision of the permanent list of voters.*—In 1937 and in each year when the permanent list of voters is prepared, the board of inspectors of each election precinct in which an election is to be held shall hold four meetings for the registration of voters in the new permanent list of voters, at the place designated as polling place, on the eighth Friday, the eighth Saturday, the seventh Friday and the seventh Saturday next before election day. In other regular election years, the board of inspectors shall meet only on the eighth Saturday and seventh Saturday before the election, for the registration of new voters in the permanent list of voters and the cancellation and correction of registrations, as may be proper. Said inspectors shall also meet on the second Saturday next before the election for the purpose of correcting said revised list, by adding names thereto or striking names therefrom in accordance with the orders of the competent authorities, as hereinafter provided, and to number and complete the list.

“(b) *Hours of meetings.*—Every meeting shall begin at seven o'clock in the morning and continue until seven o'clock in the evening, with not more than one intermission of one hour and a half. If upon the stroke of seven o'clock in the evening on any of the days mentioned in the preceding paragraph there still remain persons who desire to be registered, the election inspectors shall make a list of those present at said hour within a radius of thirty meters from the polling place and shall hand each of them a consecutively numbered card signed by an inspector, and upon presentation of said card, their registration shall be permitted after seven o'clock in the evening.

“(c) *Voter's affidavit*.—Any applicant for registration in the list of voters shall file with the board of inspectors at any of its meetings on the days above referred to, in triplicate, a signed affidavit duly made before any member of said board, with the imprint of the thumb of the right hand of the applicant affixed thereto, setting forth his name and surname, citizenship, birthplace, age on last birthday, whether married or single, profession, occupation or trade, residence, stating his exact and correct address, time of residence in the Philippines and in the municipality on the date of the affidavit; that he can read and write, and that he has none of the legal disqualifications for being a voter.

“(d) *Identification of voters*.—Male voters may be identified by producing their personal cedula for the year of the election or, in the absence thereof, for the next preceding year. Males not producing cedula and women voters may be identified by producing their birth certificate or baptismal certificate or by means of an affidavit by the applicant which may be made before an election inspector of the respective election precinct or before a notary public, without the requisite of producing a cedula. Said affidavit shall be provided with the required documentary stamp.

“(e) *Custody and filing of voters' affidavits*.—A copy of each voter's affidavit shall be retained by the board of inspectors until after the election, when it shall be delivered to the municipal treasurer, together with the other election papers, and another shall be sent by the board on the day after it has been filed, to the office of the register of deeds. The register of deeds shall arrange the voters' affidavits by municipalities, in the alphabetical order of their surnames, and shall keep the same. The third copy shall be handed to the voter, with a certificate of registration in the list of voters.

“(f) *Reregistration in list.*—Voters registered in the permanent list of voters of a municipality need not re-register therein until the new permanent list of voters is prepared, unless they change their residence to another municipality, in which case they must register in the permanent list of voters of their new residence, after first applying for the cancellation of the registration in the former residence.”

“SEC. 428. (a) *Mode of registration.*—The inspectors of each election precinct shall prepare at their meetings prescribed in the preceding section a list of the names of the persons qualified to vote in said precinct at such election. Said list shall contain the names of all persons whose affidavits for registration filed with the board of inspectors as provided in the next preceding section have not been challenged, or if challenged, have been decided by the board in the sense that the applicants are qualified to vote. From this decision of the board, an appeal shall lie to the competent court. Except in years when a new list of voters is prepared, said list shall also contain the names of persons registered in the current permanent list of voters against whom the board has not found good grounds for a challenge or whose case, if challenged, has been finally decided in their favor. The said list, upon completion, shall be the revised list of voters of the precinct for said election. The body of the lists of voters of the election precincts of a municipality shall form the permanent list of voters of the same.

“(b) *Columns of list of voters.*—The list of voters shall be arranged in columns. In the first column there shall be entered, at the time of the completion of the registry, a number, opposite the name of each person registered, beginning with one and continuing in consecutive order to the end of the list. In the second column shall be placed the surnames used generally by such persons, in alphabetical

order; in the third column, the respective Christian names of such persons; in the fourth column, the respective residences of such persons by street and number, or, if there be none, by a brief description of the locality thereof; in the fifth column, there shall be inserted on the day of the election, the number of the ballot given to each voter; in the sixth column, the signature and impression of the right thumb of the voter shall be affixed on one of the copies of the list when he appears to vote, and in the seventh column, the signature of the inspector who has handed the ballot to the voter.

“(c) *Manner of entering registrations on ensuing days; publication of lists.*—At each meeting, a space shall be left after each set of surnames beginning with the same letter sufficient for the addition thereto at subsequent meetings of surnames beginning with the same letter. Before any such surnames are added at any subsequent meetings there shall be written ‘Added at the (second, third, or fourth, as the case may be) meeting.’ During the sixth week next preceding the election, the board of inspectors shall post a complete list of the voters registered in the precinct in a sheltered place at a height of one meter and a half, at the main entrance of the polling place, or as near said entrance as practicable inside the polling place.”

“SEC. 431. *Qualifications prescribed for voters.*—Every male or female citizen of the Philippines, twenty-one years of age or over, able to read and write, who shall have been a resident of the Philippines for one year and of the city or municipality in which he has registered during the next preceding six months, who is not disqualified by law, nor is an officer or soldier of the active regular army of the Philippines or the United States, is entitled to vote in said city or municipality at any election.”

SEC. 432. *Disqualifications.*—The following persons shall not be qualified to vote:

"(a) Any person who has been sentenced by final judgment to suffer not less than eighteen months of imprisonment, such disability not having been removed by plenary pardon.

"(b) Any person who has violated the allegiance he owes to the United States or to the Commonwealth of the Philippines.

"(c) Insane or feeble-minded persons.

"(d) Persons who cannot prepare their ballots themselves."

"SEC. 437. *Applications to strike names from list.*—(a) Any registered voter of the election precinct and any candidate or representative of a candidate authorized in writing may apply, within the twenty days next following the preparation and revision of the list of voters, to the judge of first instance, the justice of the peace of the provincial capital, or the circuit justice of the peace, for the exclusion of the names of voters from the list of voters. The application shall state the names and places of residence of the voters whose exclusion is requested, the election precinct in which they are registered, and the grounds for the challenge. It shall be sworn to and shall be accompanied by proof that copies of said application have been served upon a member of the board of inspectors or the poll clerk and upon the voters sought to be excluded. Service of a copy of the application shall be made by registered mail or by delivery to the interested party or by leaving it with a person of sufficient discretion in his place of residence.

"(b) With the application the applicant shall file a bond satisfactory to the court in an amount equal to one peso for each person sought to be stricken from the list, and in case of final decision in favor of the respondents the court may adjudicate the amount of the bond as costs in favor of the persons challenged.

“(c) On petition filed before the hearing, any candidate who may be affected by the proceedings may intervene and present his evidence thereat. The decision shall be rendered on the merits of the evidence presented, and in no case shall it be on the stipulation between the applicant and the respondents.

“(d) Such applications shall be heard and decided without delay and notice of the decision shall be given to the board of inspectors and the interested parties not later than at the noon hour of the second Saturday before the election.”

“SEC. 442. *Official ballots.*—(a) Uniform official ballots shall be provided at public expense for each election. Said ballots shall be of white paper in shape of a strip 120 millimeters wide and 240 millimeters long, exclusive of the coupon containing the detachable number of the ballot, and shall bear in English and Spanish: On top, the words ‘Official Ballot,’ the name of the municipality or city and province in which the election is held, the date of the election, and this notice in eight point (brevier) gothic type: “Fill out this ballot secretly inside the booth. Do not make any mark on this ballot or write anything thereon but the names of the candidates you vote for. Any violation of this instruction will invalidate your vote.” On the left margin shall be printed the titles of each of the offices to be voted for, in ten point (long primer) roman type, followed by a blank line for the name of the candidate for whom the voter desires to vote, or with a corresponding number of blank lines immediately under the title of the office if more than one is to be elected. There shall not be anything on the back.

The ballots shall be folded twice toward the bottom, so that they shall, when folded, be sixty by one hundred and twenty millimeters, showing the entire coupon with its detachable number and space for the thumb mark of the voter.

The ballots shall be in substantially the following form:

← 120 mm. →

Ballot No.

(Perforated Line)

OFFICIAL BALLOT

TAAL, BATANGAS, DECEMBER 14, 1937

Fill out this ballot secretly inside the booth. Do not make any mark on this ballot or write anything thereon but the names of the candidates you vote for. Any violation of this instruction will invalidate your vote.

Provincial Governor

Members of the Provincial Board:

.....
.....

Mayor

Vice-Mayor

Councilors:

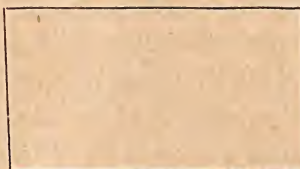
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(Perforated Line)

Taal, Batangas,
December 14, 1937

Coupon of
Ballot No.

Thumb mark



of voter

240 mm.

“(b) The official ballots shall be bound in books of one hundred ballots each. Each ballot shall be joined by a perforated line to a stub numbered consecutively beginning with number one in each municipality. The ballot shall also have at its bottom a detachable coupon with the same number as the stub and a sufficient space for properly affixing the imprint of the thumb of the voter. Each book of ballots shall bear on its cover the name of the province and city or municipality in which the ballots are to be used, and the number of ballots it contains, and shall be numbered consecutively beginning with number one in each city or municipality. The Director of Printing, the provincial treasurer, and the municipal treasurer, shall each keep a record of the ballots furnished to the various provinces, cities, municipalities, municipal districts, and election precincts.”

“SEC. 452. *Preparation of ballot; prohibitions.*—The voter, on receiving his ballot, shall forthwith retire alone to one of the empty polling booths and shall there prepare his ballot by writing in the proper space for each office the name of the person for whom he desires to vote. No voter shall be allowed to enter a booth occupied by another voter, or to occupy a booth more than five minutes in case there are other voters waiting their turn to vote, or to speak with anyone other than as herein provided while within the polling place. It shall be unlawful to use any alias for a candidate nor any nickname not appearing on the certificate of candidacy and not accompanied by his family name. Any vote thus unlawfully cast shall be considered as null and void for said office. It shall be unlawful to prepare the ballot outside the voting booth or to exhibit its contents to any person before it is placed in the ballot box, or to erase any printing from the ballot or to add any distinguishing feature thereto, or to intentionally tear or deface the same, or to put anything thereon other than the names of the candidates voted for. It shall likewise be unlawful to use carbon paper or other means for making a copy of the ballot, or make use of any other means of identifying the vote of the voter.”

"SEC. 455. *Casting of ballot.*—(a) After preparing his ballot in one of the voting booths, the voter shall immediately return to the poll clerk, affix the imprint of his right thumb, in the presence of the board, in the space provided for said purpose on the coupon or detachable number of the ballot used, and hand the latter to the chairman of the board who, without exposing the contents, shall verify and remove the number thereof, and shall deposit the ballot in the ballot box in the presence and view of the voter. No ballot shall be deposited in the ballot box unless its number corresponds to that which has been delivered to the voter as recorded in the list of voters. The voter shall also affix his signature and the imprint of the thumb of his right hand, in the presence of the board, on one of the copies of the list of voters, opposite the name used by him and in the column provided for said purpose, using his complete ordinary signature. The inspector handing the ballot to said voter shall also sign by the side of the latter's name. The voter shall then depart.

"(b) The detachable number of the ballot shall be removed from the same in the presence of the board and in the view of the voter, at the moment when the ballot must be deposited in the ballot box, and not before, by the chairman of the board of inspectors, without exposing the contents of the ballot, and shall forthwith be deposited in the box for spoiled ballots where it shall be kept. Every ballot the number whereof has not been removed by said chairman in the presence of the board and in the view of the voter or which does not agree with the number registered in the list of voters opposite the name of said voter, shall be considered as spoiled and shall be marked and treated accordingly, and shall not be placed in the box for valid ballots."

"SEC. 469. *Canvass of returns by provincial board.*—The provincial board of canvassers shall be composed of the provincial governor, the members of the provincial board, the provincial treasurer, the provincial auditor, the provincial fiscal, and the clerk of the court of first instance.

The board shall meet as soon as practicable, within the fifteen days next following the election, and the provincial treasurer shall then produce before it the statements delivered to him. If any statements be missing, the board, by special messenger or otherwise, shall obtain such missing statements and the fiscal shall forthwith institute criminal proceedings against the person or persons criminally responsible for such delay. The watchers of the candidates may be present at, and take note of, the proceedings of the provincial board of canvassers and of the committees and subcommittees appointed by said board.

“(b) The board shall examine the statements filed with it, and if it clearly appears that material matters of form are omitted, such statements shall be returned for correction to the board of inspectors by special messenger or in such other manner as may be most expeditious. Such statements may not, however, be returned for a recount.

“(c) In case it appears to the provincial board of canvassers that another authentic copy, or other authentic copies, of the statement of an election precinct submitted to it give a different number of votes and such difference affects the result of the election, the court of first instance of the province, on motion of the board or of any interested candidate, may proceed to make a recount of the votes in that election precinct for the office in question, for the sole purpose of determining which is the correct statement or which is the actual result of the recount of the votes cast in said precinct for said office. Notice of such action shall be given to the interested parties.

“(d) As soon as all statements are before it, the provincial board of canvassers shall proceed to a canvass of all the votes cast in the province for President and Vice-President of the Commonwealth, then of those for Members of the National Assembly, and, finally, of those for provincial officers, and upon completion thereof shall make one statement of all the votes cast for each candidate for the offices of President and Vice-President, one statement of all the votes cast for the office of Member of the National

Assembly for each legislative district, and one statement of all the votes cast for provincial officers. Upon the completion of such statements the board shall determine therefrom what person has been elected to the National Assembly for each legislative district, and what person has been elected to each provincial office. As regards the election for President and Vice-President of the Commonwealth, the board shall merely state the number of votes cast for each candidate for the office and shall forthwith send the proper statement to the National Assembly."

"SEC. 470. *Certificate of result.*—All determinations of the result of the election shall be reduced to writing, in duplicate, and signed by the members of the provincial board of canvassers or a majority of them and sealed with the provincial seal. One copy thereof shall be filed by the provincial treasurer in his office and one shall forthwith be sent to the Secretary of the Interior. A certified copy of the proclamation of his election shall also forthwith be delivered to each candidate."

"SEC. 475. *Elections resulting in tie.*—Whenever it shall appear in the canvass of a regular or special election for Member of the National Assembly or for provincial or city officers, that two or more candidates have received the same largest number of votes, the provincial board of canvassers concerned shall proclaim as elected that one of the tied candidates who shall be the winner in the drawing hereinafter provided for, and the candidate so proclaimed shall be entitled to be seated as if he had been elected by a majority of votes.

"As soon as the canvass shall show a tie, the provincial board of canvassers, after making it so appear in the proper statement, shall, upon ten days notice to all tied candidates enabling them to be present if they should so desire, hold another public meeting at which the drawing shall be held, and statement shall forthwith be prepared of the procedure followed at said drawing and of the result thereof and the proclamation of the candidate elect. Certified copies of said statement shall be sent to the National Assembly, the Pres-

ident of the Philippines, the Auditor General, and each of the tied candidates."

"SEC. 476. *Incompetency to act, and replacement, of provincial canvassers.*—(a) Any member of a provincial board of canvassers who is a candidate shall be incompetent to act as member of said board at such election.

"(b) In case of the absence or incapacity for any cause of any member of the provincial board of canvassers, the Secretary of the Interior may designate the superintendent of schools, the district engineer, the district health officer, the register of deeds, or the justice of the peace of the provincial capital to act in his stead."

"SEC. 2071. *Qualifications of provincial officer.*—No person shall be eligible to a provincial office unless at the time of the election he is a qualified voter of the province, has been a *bona fide* resident therein for at least one year prior to the election, and is not less than thirty years of age."

"SEC. 2074. *Term of elective provincial officer.*—The term of a provincial or city officer elected at the regular election of the year nineteen hundred and thirty-seven shall be three years and shall begin on the first of January next following such election. If a successor be not inducted at the time appointed by law, the incumbent shall hold over until a successor shall be duly qualified."

"SEC. 2177. *Term of elective municipal officer.*—The term of a municipal officer elected at the regular election of the year nineteen hundred and thirty-seven shall be three years and shall begin on the first of January next following such election. If a successor be not inducted at the time appointed by law, the incumbent shall hold over until a successor shall be duly qualified."

"SEC. 2440. *Qualifications, election, suspension and removal of members of Board.*—(a) The members of the Municipal Board shall be elected at large from the entire city.

"(b) The ten candidates receiving the greatest number of votes shall be declared elected. Each member of the Municipal Board shall be a resident of the city for at least

one year, shall be a qualified elector of the city and be not less than twenty-three years of age.

“(c) Members of the Board may be suspended or removed from office under the same circumstances, in the same manner, and with the same effect, as elective provincial officers, and the provisions of law governing the suspension or removal of elective provincial officers and the confirmation of their election are made effective for the suspension or removal of said members of the Board and for the confirmation of their election.

“(d) In so far as they are applicable, all the provisions of the Election Law are made effective as to the members of the Board and to their election to the same extent as if the City of Manila were a province and the election of said members were the election for members of the provincial board.

“(e) If any person elected is ineligible to hold office, or if for any reason there should be a failure to elect one or more members, no special election shall be called; but the vacancy shall be filled for the term by the President of the Philippines with the consent of the Commission on Appointments of the National Assembly. Vacancies in the office of member occurring after taking office shall be filled for the unexpired term in like manner.”

“SEC. 2605. *The provincial board, members of.*—The provincial board shall be composed of the provincial governor and two members who shall be elected by the mayors, vice-mayors, and municipal and municipal district councilors of the province on the date appointed by the Election Law for the holding of regular elections, unless the existing law provides for their election by a direct vote of the people. Said members shall be inducted into office at the same time as the elective provincial officers and shall hold office for the same period as the latter. The provincial governor shall be the presiding officer of the board. In case of the absence, illness, suspension or other temporary incapacity of the provincial governor, or if for any other reason he is unable to perform his official duties, the President of the

Philippines may designate any other officer or employee to perform the duties of the office or may provisionally appoint thereto any suitable person not in the service. In the meantime the duties of the provincial governor shall be discharged by a member of the provincial board who shall have been previously authorized by the provincial governor. In making such designation, the authority may be limited to the performance, during the absence of the governor from the provincial capital, of such of his duties as can be conveniently performed at the capital or it may be limited to the performance of specific acts or classes of acts. Every such designation shall be in writing and shall be spread upon the minutes of the provincial board. Copies of all the resolutions of the provincial board and executive orders of the provincial governor shall be furnished the Department of the Interior, under such regulations as said department may prescribe."

"SEC. 2637. (a) *Refusal of or delay in granting inspectors or poll clerks.*—Any member of a board or municipal council who refuses or fails to vote for the appointment of the inspectors or poll clerks to which a party is entitled by law, on the date appointed by law, or who shall in any manner delay such appointment, shall be punished by imprisonment for not less than six months nor more than four years, and by a fine of not less than six hundred pesos nor more than four thousand pesos, and in all cases by deprivation of the right of suffrage and disqualification from public office for a period of not more than five years.

"(b) *Refusal to call in due time meeting for appointment of inspectors and poll clerks.*—Any mayor or person acting in his stead who refuses or fails to call a meeting of the members of the municipal board or council to give the same sufficient time to proceed to appoint the election inspectors and poll clerks at the time and in accordance with the provisions established by law, shall be punished by imprisonment for not less than six months nor more than four years, and by a fine of not less than six hundred pesos nor more than four thousand pesos, and in all cases

by deprivation of the right of suffrage and disqualification from public office for a period of not more than five years.

"(c) *Unlawful continuation in office of inspector or poll clerk.*—Any election inspector or poll clerk who continues in office after his right to do so has terminated for any of the reasons provided for by law, shall not be entitled to receive compensation for the services rendered by him and shall be punished by imprisonment for not less than three months nor more than two years, and by a fine of not less than three hundred pesos nor more than two thousand pesos, and in all cases by deprivation of the right of suffrage and disqualification from public office for a period of not more than five years.

"(d) *Offenses in connection with registration of voters.*—Any inspector or poll clerk who enters upon any registry or poll list or causes or allows to be entered thereon the name of any person as a voter in a precinct who is not a voter thereof or has not filed the required affidavit in due form, or who keeps in the list the name of a person who has requested that his name be excluded or whose name has been ordered excluded by the competent court, or who knowingly includes or keeps in the list the name of a deceased person or a person who has incurred any of the disqualifications for being a voter provided by law, and any election inspector who refuses or votes to refuse or willfully neglects to enter the name of any qualified applicant upon the registry list, or who prevents or seeks to prevent the registration of any legally qualified voter, or who transfers or allows the transfer of the name of a voter from the election precinct in which he resides to another precinct without application therefor having been made by the voter, or who alters the spelling of the name of a voter, or who fails to make sure that the names of the voters transcribed in the copy of the list in his possession have been copied correctly from the original registry list, or who is guilty of any fraud or corrupt conduct in the performance of his duties in connection with the registration of voters in the registry list, shall be punished by imprisonment for not less than six months nor more than

four years, and by a fine of not less than six hundred pesos nor more than four thousand pesos, and in all cases by deprivation of the right of suffrage and disqualification from public office for a period of not more than five years.

“(e) *Punishable omissions of inspectors and poll clerks.*—

Any election inspector or poll clerk who fails to publish the registry list of his precinct or transmit the same to the proper authorities within the term fixed by law, or who refuses or fails to give to a watcher a correct certificate of the number of votes cast in an election precinct for said candidate and for each of the latter's opponents, although such was requested of him in the polling place after the publication of the result of the canvass therein, or who deprives voters or watchers of any right granted them by law, or who fails to deliver the keys of the ballot boxes to the provincial commander or his authorized representative, and any private individual or officer inducing or aiding the election inspectors and poll clerks to commit any of the aforesaid acts or be guilty of any of the aforesaid omissions or committing the same himself, shall be punished by imprisonment for not less than three months nor more than two years, and by a fine of not less than three hundred pesos nor more than two thousand pesos, and in all cases by deprivation of the right of suffrage and disqualification from public office for a period of not more than four years.

“(f) *Punishable omissions of municipal treasurer.*—Any municipal treasurer who violates the provisions of section four hundred and twenty-nine of the Election Law or fails to publish the list of voters or its supplements as provided for in said law, shall be punished by imprisonment for not less than two months nor more than one year, or by a fine of not less than two hundred pesos nor more than one thousand pesos.”

“SEC. 2645. *Perjury in election matters.*—(a). Any person who knowingly takes or subscribes any false oath, affidavit, or affirmation before any election officer, or before any court or other officer in relation to any material fact in any registration or election proceeding, shall be punished

by imprisonment for not less than one month nor more than two years, and by a fine of not less than one hundred pesos nor more than one thousand pesos, and in all cases by deprivation of the right of suffrage and disqualification from public office for a period of not more than four years.

“(b) Any candidate convicted of having directly or indirectly spent in the election campaign, for the purpose of furthering his candidacy, more than is authorized by law, shall be punished by imprisonment for not less than six months nor more than four years, and by a fine of not less than six hundred pesos nor more than four thousand pesos, and in all cases by deprivation of the right of suffrage and disqualification from public office for a period of not less than five years nor more than fourteen years.”

“SEC. 2660½. *Prescription.*—(a) Offenses resulting from violations of this article shall prescribe one year after their commission; but if the discovery of such offenses is incidental to judicial proceedings in any election contest, the term of prescription shall commence only on the date when final judgment has been rendered in such proceedings.

“(b) Any action for violation of the Election Law shall be deemed to begin on the date when the competent court issues the proper order of arrest by virtue of a complaint or information filed with it.”

SEC. 2. In Chapter eighteen of said Act Numbered Twenty-seven hundred and eleven, the words “Chief of the Executive Bureau,” “Governor-General,” “Attorney General,” “House of Representatives,” “Philippine Constabulary,” and “Municipal Police,” whenever used, shall be understood to read, respectively, “Secretary of the Interior,” “President of the Philippines,” “Solicitor-General,” “National Assembly,” “Philippine Army,” and “State Police,” and wherever the words municipal council are used, the same shall be understood to include the municipal boards of cities.

SEC. 3. In Chapters eighteen, fifty-six, fifty-seven, sixty-three, and sixty-four of said Act Numbered Twenty-seven hundred and eleven, the words “Municipal President” and “Municipal Vice-President,” whenever they are used as designation of the office, are hereby amended to read “Mayor”

and "Vice-Mayor," respectively, and persons hereafter elected to said offices shall be elected and inducted under said titles.

SEC. 4. Section two of Act Numbered Forty-one hundred and twelve, the part of section ten of Commonwealth Act Numbered Thirty-four relative to the plebiscite registry list, sections one hundred and three, one hundred and ten, one hundred and eleven, one hundred and twelve, one hundred and thirteen, one hundred and fourteen, one hundred and twenty-four, four hundred and twenty-six, four hundred and fifty-three, four hundred and seventy-one and four hundred and seventy-eight of Act Numbered Twenty-seven hundred and eleven, Commonwealth Act Numbered One hundred and ninety-four, and all acts and parts of acts inconsistent with any of the provisions hereof are hereby repealed.

SEC. 5. The Department of the Interior shall supervise and direct the printing of an Election Law, as amended, for the use of the polling places during the next election.

SEC. 6. This Act shall take effect on its approval.

Approved, September 15, 1937.



[COMMONWEALTH ACT No. 357]

ELECTION CODE

Be it enacted by the National Assembly of the Philippines:

ARTICLE I.—*General Provisions*

SECTION 1. *Elections governed by this Code.*—All elections of public officers by the people and all votings in connection with plebiscites shall be conducted in conformity with the provisions of this Code.

SEC. 2. *Supervision of elections.*—The Secretary of the Interior shall have immediate supervision over provincial, municipal and city authorities in the performance of their ministerial duties relative to elections, may suspend and, with the previous approval of the President of the Philippines, remove recalcitrant officers and appoint temporary substitutes, request the aid of the Solicitor-General, of the fiscals, and of peace officers, and designate as his deputy any of them to secure an orderly, free and honest election.

SEC. 3. *Regular elections for national offices.*—(a) On the second Tuesday in November, nineteen hundred and forty-one, and upon the same day every six years thereafter, the President and the Vice-President of the Philippines shall be elected. The canvass by the National Assembly shall begin on the second Tuesday in the following December, for which purpose said body shall meet in a special session. The President and the Vice-President elect shall assume office at twelve o'clock noon on the thirtieth of said month.

(b) On the second Tuesday in November, nineteen hundred and thirty-eight and upon the same day every three

years thereafter, a regular election shall be held to elect the members of the National Assembly. The term of office of those elected shall commence on the fifteenth day of the same month and terminate three years thereafter.

SEC. 4. *Regular elections for provincial and municipal offices.*—On the second Tuesday in December, nineteen hundred and forty, and upon the same day every three years thereafter, a regular election shall be held to elect the officers who are to occupy all elective provincial, municipal and city offices throughout the Philippines. The officers elected shall assume office on the first day of January next following.

SEC. 5. *Postponement of election.*—When for any serious cause the holding of an election should become impossible in any political division or subdivision, the President shall postpone the election therein for such time as he may deem necessary.

SEC. 6. *Designation of other dates for certain pre-election acts.*—If, on account of insurmountable difficulties, the division into election precincts, the designation of polling places, the appointment of election inspectors and poll clerks, or the registration of voters should not be effected in any place on the dates herein fixed, the Secretary of the Interior may, with the approval of the President, fix another date so that the omission may be remedied and such place may not be deprived of the right of suffrage.

SEC. 7. *Filling of elective offices in a new political division.*—When a new political division is created the inhabitants of which are entitled to participate in the elections, the elective officers thereof shall, unless otherwise provided, be chosen at the next regular election. In the *interim* such offices shall, in the discretion of the President, be filled by appointment by him or by a special election which he may order.

In the absence of a municipal council, the provincial board shall perform the duties of the former with respect to the first election in the new political division.

SEC. 8. *Application of Code in cities.*—The terms "province" or "municipality," "municipal council," "provincial

government," "municipal treasurer," "municipal secretary" and "provincial officers" or "municipal officers," as used in this Code, shall be understood in chartered cities, to refer respectively to the city, the municipal board, the city government, the city treasurer, the city secretary, and the city officers, and, unless the context shows a different meaning, the duties of the provincial board, the provincial governor, and the provincial treasurer relative to elections shall be performed in said cities by their municipal board, mayor, and treasurer, respectively.

SEC. 9. *Participation of municipal districts in the elections.*—The voters in the municipal districts shall be entitled to vote at the election of elective national and provincial officers. The municipal district councils shall perform the duties of municipal councils in connection with the holding of elections.

SEC. 10. *Elections in outlying unorganized communities.*—Outlying barrios or districts not forming part of a municipality or municipal district shall, for election purposes only, so that their qualified voters may exercise the right of suffrage, be considered a part of the municipality or municipal district to which they are contiguous or to which they are most conveniently accessible, as may be determined by the provincial board.

SEC. 11. *Voters confined in leprosaria.*—Patients confined in leprosaria shall exercise the right of suffrage in the municipality where they lawfully resided immediately before they were taken to said leprosaria, and, for that purpose, every elector not yet registered in the existing permanent list shall accomplish the voter's affidavit, in quadruplicate, before the justice of the peace of the municipality where the leprosarium is located, on the days set by law for registration, and for this purpose said justice of the peace shall be at the leprosarium at seven o'clock in the morning and remain therein until the last elector desiring to register has accomplished the voter's affidavit. The justice of the peace shall prepare a list of these affidavits and send a certified copy of the portion thereof corresponding to each municipality to the board of election inspectors of the only election precinct or precinct No. 1 of the aforesaid munic-

ipality, to the register of deeds of the province comprising the same, and to the Department of the Interior, together with copies of the affidavits of the voters concerned, and said officers shall enter in the list of voters of the respective precinct the names of said voters and such entry shall have the same force and effect as if the said voters had personally appeared before the board of inspectors of the said precinct. All questions regarding the inclusion and exclusion of these voters shall be decided within the time limits fixed by law by the justice of the peace of the municipality where the leprosarium is located.

SEC. 12. *Voting in the leprosaria.*—On the day of the voting, said voters shall vote in the leprosarium before the justice of the peace, for which purpose said officer shall be at the leprosarium at seven o'clock in the morning of that day to receive the votes of the voters of the same, and at two o'clock in the afternoon or as soon as the voters who desire to vote have finished voting, shall make a canvass and prepare a statement of the result thereof, transmitting such result by telegraph, at six o'clock in the evening of the day of the voting, or as soon after the canvass as possible, to the municipal treasurer of the corresponding municipality, to the provincial treasurer and to the Secretary of the Interior, so that it may be included in the final computation of the votes, and at the same time he shall send to said officers certified copies of the statement by rush and registered mail.

The municipal treasurer shall immediately transmit a certified copy of the telegram to the only election precinct or precinct No. 1 of the municipality, and the board of inspectors shall include in its canvass the votes set forth in the telegram, provided the same is received by the board before the result of the canvass is proclaimed.

In the leprosaria where there are more than two hundred and fifty voters, the justice of the peace shall form as many polling places as may be necessary so that in each of them not more than two hundred and fifty voters may cast their votes, and shall designate a deputy to act

as inspector in each polling place and to perform the duties herein entrusted to the justice of the peace.

SEC. 13. *Right of suffrage incident to territorial changes.*—When a territory is merged with a city, municipality, municipal district or with another province, its inhabitants acquire the right to participate in the election of public officers to the same extent as the inhabitants of the city, municipality, municipal district or province with which it has been merged.

SEC. 14. *Vacancies in the offices of President and Vice-President.*—When neither the President-elect nor the Vice-President-elect shall have qualified, as provided in section seven, Article VII of the Constitution, or in case of removal, death, resignation or inability, both of the President and Vice-President, as provided in section nine, Article VII of the Constitution, the National Assembly shall immediately convene and elect, by a majority vote of all its Members, the person or officer who shall act as President until the President-elect or the Vice-President-elect shall have qualified, or their disability has been removed, or a President has been elected. The call for the National Assembly to convene as herein provided may be made by the Speaker, or the Secretary of the Assembly, or by five Assemblymen. Pending the election of an Acting President by the National Assembly, one of the Department Heads in the order in which they are named in the Administrative Code, shall perform the duties of Acting President.

In case of permanent vacancy in the offices of President and Vice-President, the National Assembly shall determine by resolution whether or not a special election shall be held to elect a President and a Vice-President, or only a President. In the affirmative case, the date on which the special election is to be held shall be fixed in the resolution and said date shall be stated in the proclamation to be issued in accordance with section seventeen of this Code, which shall be signed by the Acting President. The officers elected shall qualify at twelve o'clock in the morning of the day next following the date of their proclamation by the Na-

tional Assembly and shall hold office until their successors, elected at the next regular election, shall qualify.

SEC. 15. *Vacancy in the National Assembly.*—Whenever a vacancy in the National Assembly occurs ten months before the next regular election of Assemblymen, the President, as soon as he is notified by the National Assembly of the existence of such vacancy, shall call a special election in the district. In case the vacancy is caused by the death of a member against whom there is pending no protest, while the National Assembly is not in session, the certification of the Speaker regarding the vacancy shall be sufficient basis for the President of the Philippines to call such special election.

SEC. 16. *Vacancy in elective provincial or municipal office.*—(a) Whenever a temporary vacancy in any elective local office occurs, the same shall be filled by appointment by the President if it is a provincial office, and by the provincial governor, with the consent of the provincial board, if it is a municipal office.

(b) Whenever in any elective local office a vacancy occurs as a result of the death, resignation, removal or cessation of the incumbent, the President shall appoint thereto a suitable person belonging to the political party of the officer whom he is to replace, save in the case of a mayor, which shall be filled by the vice-mayor.

(c) Whenever the election for a local office fails to take place on the date fixed by law, or such election results in a failure to elect, the President shall issue as soon as practicable, a proclamation calling a special election to fill said office.

(d) When a local officer-elect dies before assumption of office, or, having been elected provincial or municipal officer, his election is not confirmed by the President for disloyalty, or such officer-elect fails to qualify, for any reason, the President may in his discretion either call a special election or fill the office by appointment.

(e) In case a special election has been called and held and shall have resulted in a failure to elect, the President shall fill the office by appointment.

(f) The person appointed or elected to fill a vacancy in an elective provincial or municipal office shall hold the same for the unexpired term of the office.

SEC. 17. *Call of special elections.*—Special elections shall be called by the President by proclamation for a date which shall not be earlier than thirty days nor later than ninety days from the date of the proclamation, which shall specify the offices to be voted for, and whether it is for the purpose of filling a vacancy. The Secretary of the Interior shall send copies of the proclamation, in number sufficient for due distribution and publication, to the provincial treasurer of each province concerned, who in turn shall transmit the necessary copies to the municipal secretaries of the corresponding political division, and the secretaries, in turn, shall publish it in their respective localities, by posting at least three copies thereof in as many conspicuous places in each of their election precincts, and a copy in each of the polling places and public markets, and in the municipal building.

SEC. 18. *Posting and translation of Election Code.*—A printed copy of the Election Code in English or Spanish and in the national language, and, whenever possible, in the local dialect shall be posted in a conspicuous way in every polling place on all registration and election days, so that it may be readily consulted by any person offering to register or to vote.

The translation of this Code into the national language and into the local dialects shall be made by the Institute of National Language.

SEC. 19. *Expenses of election.*—(a) The expenses of an election shall be advanced by the municipal treasurer concerned and shall be charged against the branch of the government for which the election was held, and, if for more than one branch, against the corresponding branches of the government, in equal parts.

(b) The expenses incident to the holding of the first election in a new municipality shall be advanced, as may be necessary, by the province, and such municipality shall reimburse the same upon presentation of the proper bill.

SEC. 20. *Official mail and telegrams regarding elections.*—Papers connected with the elections required by this Code to be sent by some public officers to others in the performance of their duties shall be free of postage and sent as registered and rush mail. Telegrams of the same nature shall also be sent free of charge.

ARTICLE II.—*Candidacies and Eligibility of Candidates*

SEC. 21. *Limitation upon reëlection.*—A third consecutive reëlection to the offices of provincial governor and mayor is hereby prohibited and shall be null and void.

SEC. 22. *Automatic cessation of appointive officers and employees who are candidates.*—Every person holding a public appointive office or position shall *ipso facto* cease in his office or position on the date he files his certificate of candidacy.

SEC. 23. *Disqualification to act on provincial boards and municipal councils.*—Any member of a provincial board or of a municipal council who is a candidate for office in any election, shall be incompetent to act on said body in the performance of the duties thereof relative to said election, and if, for such reason, the number of members should be unduly depleted, the President shall appoint any disinterested voter of the province, municipality or city concerned belonging to the political party of the incompetent member to act in his place on such matters.

SEC. 24. *Disqualification on account of excessive election expenditures.*—Any candidate who, in an action or protest in which he is a party, is declared by final decision of a competent court guilty of having spent in his election campaign more than the total emoluments attached to the office for one year, shall be disqualified from continuing as candidate, or if he has been elected, from holding the office.

SEC. 25. *Ineligibility of officer found disloyal to the government.*—When a special election is called for the purpose of filling a vacancy on account of the non-confirmation by the President of the election of a provincial or municipal

officer as a result of a protest on the ground of his disloyalty to the constituted government, said officer shall be ineligible in such election, and his certificate of candidacy shall not be received nor shall the votes cast in his favor be counted.

SEC. 26. *Certificate of candidacy for only one office.*—No person shall be eligible unless, within the time fixed by law, he files a duly sworn certificate of candidacy, nor shall any person be eligible for more than one office to be filled in the same election, and if he files certificates of candidacy for more than one office, he shall not be eligible for any of them.

SEC. 27. *Contents of certificate of candidacy.*—The person concerned shall state in his certificate that he announces his candidacy for the office mentioned therein; that he is a resident of the province, city or municipality in which he launches his candidacy; that he is eligible for the office; the name of the political party to which he belongs, if he belongs to any, and his post-office address for all election purposes.

SEC. 28. *Statement of the maternal surname.*—In cases where there are two or more candidates for an office with the same name and surname, each shall state in his certificate of candidacy, in addition to his name, his paternal and maternal surnames, with the exception of the first one of them to hold an elective office, who may continue to use the name and the surname stated in his certificate of candidacy when he was elected.

SEC. 29. *Nicknames.*—Certificates of candidacy shall not contain nicknames of the candidate.

SEC. 30. *Filing and distribution of certificates of candidacy.*—At least forty days before a regular election, and twenty days at least before a special election, the certificates of candidacy shall be filed with the officer hereinbelow mentioned, together with a number of clearly legible copies equal to four times the number of polling places to which the certificates shall be distributed, as follows:

(a) Those of candidates for national offices, with the Secretary of the Interior, who shall immediately send copies thereof to the Secretary of the National Assembly and to the secretary of the provincial board of each

province where the elections are to be held, and the latter officer shall in turn immediately forward copies to all the polling places. The Secretary of the Interior shall communicate the names of said candidates to the secretary of the provincial board by telegraph. If the certificate of candidacy is sent by mail, it shall be by registered mail, and the date on which the package was deposited in the post-office may be considered as the filing date thereof if confirmed by a telegram or radiogram addressed to the Secretary of the Interior on the same date.

(b) Certificates of candidacy for provincial offices shall be filed with the secretary of the provincial board of the province concerned, who shall immediately send copies thereof to all the polling places of the province and to the Secretary of the Interior.

(c) Certificates of candidacy for municipal offices shall be filed with the municipal secretary, who shall immediately send copies thereof to the polling places concerned, to the secretary of the provincial board, and to the Secretary of the Interior.

SEC. 31. *Ministerial duty of receiving and acknowledging receipt.*—The Secretary of the Interior, the secretary of the provincial board, and the municipal secretary, in their respective cases, shall have the ministerial duty to receive the certificates of candidacy referred to in the preceding section, and to immediately acknowledge receipt thereof.

SEC. 32. *Candidates in case of death or disqualification of another.*—If, after the expiration of the time limit for the filing of certificates of candidacy, a candidate with a certificate of candidacy duly filed should die or become disqualified, any legally qualified citizen may file with either the secretary of the provincial board, or the municipal secretary, without distinction, on or before midday of the day of the election, a certificate of candidacy for the office for which the deceased or disqualified person was a candidate, and if the death or disqualification should occur between the day before the election and the midday of election day, said certificate may be filed with any board of inspectors of the political division where he is a candidate.

ARTICLE III.—*Contributions and Other Practices*

SEC. 33. *Definitions.*—In this Code—

(a) The term “political committee” includes any committee, association or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates, whether it be a national or local committee of a political party, or a branch thereof.

(b) The term “contribution” includes a gift, donation, subscription, advance, or deposit of money or anything of value and embraces a contract, promise, or agreement to contribute, whether it be legally enforceable or not.

(c) The term “expenditure” includes the payment or delivery of a contribution, advance, deposit, gift or donation of money or thing of value, and includes a contract, promise, or agreement to make an expenditure whether it be legally enforceable or not.

(d) The term “person” includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

SEC. 34. *Contribution to political committees.*—(a) Every political committee shall have a chairman and a treasurer. No contribution shall be accepted and no expenditure made by or on behalf of any political committee, for the purpose of influencing an election, until such chairman and treasurer have been chosen.

(b) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of (1) all contributions made to or for such committee; (2) the true name and address of each contributor; (3) all expenditures made by or on behalf of such committee, and (4) the name and address of every person to whom any such expenditure is made and the date thereof.

(c) It shall be the duty of the treasurer to obtain and keep a receipted bill stating the particulars of every expenditure exceeding ten pesos in amount made by or on behalf of a political committee. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of at least one year after the holding of the election to which they pertain.

SEC. 35. *Account of contributions received.*—Every person who receives a contribution for a political committee shall, on demand of the treasurer and, in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the name and address of the person making such contribution, and the date of its receipt.

SEC. 36. *Filing of statement by treasurer.*—The treasurer of a political committee shall file with the Secretary of the Interior, within the first ten days of every month, during the six months preceding a general election, or from the time of the publication of the call for any special election, and within the thirty days following the holding of the election, a statement, complete as of the day next preceding the date of filing, of his account of contributions and expenditures, together with the names and addresses of the contributors and persons receiving the expenditures.

SEC. 37. *Statements by candidates.*—Within thirty days after the holding of the election, every candidate for a national office shall file with the Secretary of the National Assembly for reference to the committees and constitutional commissions concerned for such action as the Assembly may deem proper, a statement, complete as of the date next preceding the date of filing, which shall contain (1) a list of the contributions received by him or by another with his knowledge and consent, from whatever source, to help or support his candidacy or to influence the result of his election together with the name and address of the contributor; (2) a statement of the expenditures made by him or by another with his knowledge and consent, in aid or support of his candidacy or for the purpose of influencing the result of the election, together with the name of the person to whom such expenditure was made. Every candidate for a provincial or municipal office shall likewise file a similar statement with the Secretary of the Interior within thirty days after the holding of the election.

SEC. 38. *Statement by other parties.*—Any other person who, prior to a regular or special election, should receive a contribution or should make an expenditure of one

hundred pesos or more for election purposes, but not as a contribution to a political committee, shall file with the Secretary of the Interior a detailed statement of such contribution or expenditure in the same manner as the treasurer of a political committee.

SEC. 39. *Form and preservation of statements.*—The statements required by this Code shall be under oath; shall be cumulative during the period prescribed therefor in the election to which they relate, but where there has been no change in an item reported in a previous statement, only the amount thereof need be carried forward; they shall be deemed properly filed on the date of their mailing by registered mail; they shall be kept and shall constitute a part of the public records of the Secretary of the National Assembly and of the Secretary of the Interior, and shall be open to public inspection.

SEC. 40. *Prohibited collections of funds.*—It shall be unlawful for any person to hold balls, beauty contests, entertainments or cinematographic, theatrical, or other performances, during two months immediately preceding a regular or special election, for the purpose of raising funds for benefit purposes or for an election campaign or for the support of any candidate.

SEC. 41. *Prohibited contributions.*—It shall be unlawful for any corporation or entity operating public utility or which is in possession of or is exploiting any natural resource of the nation to contribute or make any expenditure in any election campaign.

SEC. 42. *Limitation upon expenses of candidates.*—No candidate shall spend for his election campaign more than the total amount of the emoluments for one year attached to the office for which he is a candidate.

SEC. 43. *Unlawful expenditures.*—It is unlawful for any person to make or offer to make an expenditure, or to cause an expenditure to be made or offered to any person to induce one either to vote or withhold his vote, or to vote for or against any candidate, or any aspirant for the nomination or selection of a candidate of a political party, and it is unlawful for any person to solicit or receive directly or indirectly any expenditure for any of the foregoing considerations.

SEC. 44. *Unlawful electioneering.*—During registration and voting days, it is unlawful to solicit votes or undertake any propaganda for or against any candidate or any party within the polling place and within a radius of thirty meters thereof.

SEC. 45. *Prohibition regarding transportation, food, and drinks.*—It is unlawful for any candidate, political committee, voter or any other person to give or accept, free of charge, directly or indirectly, transportation, food, or drinks, during a public meeting in favor of any or several candidates and during the three hours before and after such meeting, or on registration days or on the day preceding the voting and on the same day of the voting, or to give or contribute, directly or indirectly, money or things of value for such purposes.

SEC. 46. *Intoxicating liquors—Prohibited stores—cockpits, boxing, and races.*—(a) It is unlawful to sell, furnish, offer or take intoxicating liquors on registration days and on the two days immediately preceding the day of the voting and during the voting and canvass.

(b) It is unlawful to establish in any polling place or within a radius of thirty meters thereof, on the days and hours of registration, voting and canvass, booths of any kind for the sale, dispensing or display of wares, merchandise or refreshments, whether solid or liquid, or for any other purpose.

(c) It is unlawful to hold on any registration or voting days cockfights, boxing, horse races, or any other similar show.

SEC. 47. *Deadly weapons.*—It is unlawful to carry deadly weapons in the polling place and within a radius of thirty meters thereof during the days for registration, voting and canvass. However, in cases of affray, tumult or disorder any peace or public officer authorized to supervise the elections may carry firearms or any other weapon for the purpose of preserving order and enforcing the law.

SEC. 48. *Active intervention of public officers and employees.*—No justice, judge, fiscal, treasurer, or assessor of

any province, no officer or employee of the Army, the Constabulary or the national, provincial, municipal or rural police, and no classified civil service officer or employee shall aid any candidate, nor exert influence in any manner in any election nor take part therein, except to vote, if entitled thereto, or to preserve public peace, if he is a peace officer.

SEC. 49. *Soliciting contributions from subordinates prohibited.*—Public officers and employees holding political offices or not belonging to the classified civil service, though they may take part in political and electoral activities, shall refrain from soliciting contributions from their subordinates for partisan purposes.

SEC. 50. *Active intervention of foreigners.*—It is hereby prohibited for any foreigner to aid any candidate, directly or indirectly, or to take part or to influence in any manner in any election.

ARTICLE IV.—*Election Precincts*

SEC. 51. *Election precincts to be established.*—The unit of territory for the purpose of voting is the election precinct, and every municipality or municipal district shall have at least one.

The municipal council of each municipality shall fix the limits of all the election precincts, if there are more than one, within its territory.

SEC. 52. *Arrangement of election precincts.*—(a) The election precincts shall be so arranged that no precinct shall have more than two hundred and fifty voters and each shall comprise, as far as practicable, contiguous and compact territory.

(b) When it appears that an election precinct contains more than two hundred and fifty voters, the municipal council or board shall make such adjustment or new division as may be necessary.

(c) A municipality or a municipal district which has been merged with another municipality shall constitute at least one election precinct, if the distance between the re-

motest barrio of the merged municipality or district and the nearest polling place of the municipality to which it has been merged shall, by the shortest road, exceed five kilometers

(d) An island or group of islands having one hundred and fifty or more voters shall constitute a precinct.

SEC. 53. *Publication of map of precincts.*—The municipal secretary shall post in the municipal building and in the polling places and in other three conspicuous public places in each precinct maps plainly showing the boundaries of the precinct at least ten days before the first day fixed for the registration of voters of each election and keep them posted until after the election is held.

SEC. 54. *Alteration of election precincts.*—Any alteration of the election precincts or the establishment of new ones shall be communicated to the provincial treasurer, together with the corresponding maps, which shall be published as prescribed in the preceding section. However, election precincts shall not be altered nor new ones established within the ten days immediately preceding the date of a regular or special election.

SEC. 55. *Posting map of legislative districts.*—In the provinces which are divided into legislative districts, the provincial boards shall cause to be prepared an outline map of each district showing the location and the names of the municipalities, or portions thereof included in the district. The secretary of the board shall send copies of the map to the Secretary of the Interior and shall keep them posted for ninety days prior to the regular election for national offices in the municipal building and in at least three other conspicuous public places in each municipality comprised within the district.

ARTICLE V.—*Polling Places*

SEC. 56. *Designation of polling places.*—At least seventy days before each regular election, the municipal council shall

designate in each election precinct a place as provided in this Code where the meetings of the board of inspectors for registration and the election shall be held.

SEC. 57. *Requirements for polling places.*—Each polling place shall be, as far as practicable, a ground floor hall of sufficient size to admit and comfortably accommodate forty voters at one time outside the guard rail for the board of inspectors. The polling place shall be located as centrally as possible with respect to the residence of the voters of the precinct, but it may be located also in the poblacion of the municipality upon petition of the majority of the voters of the precinct or by agreement of all the political parties or by unanimous resolution of the municipal council. A public building having the foregoing requirements shall be preferred.

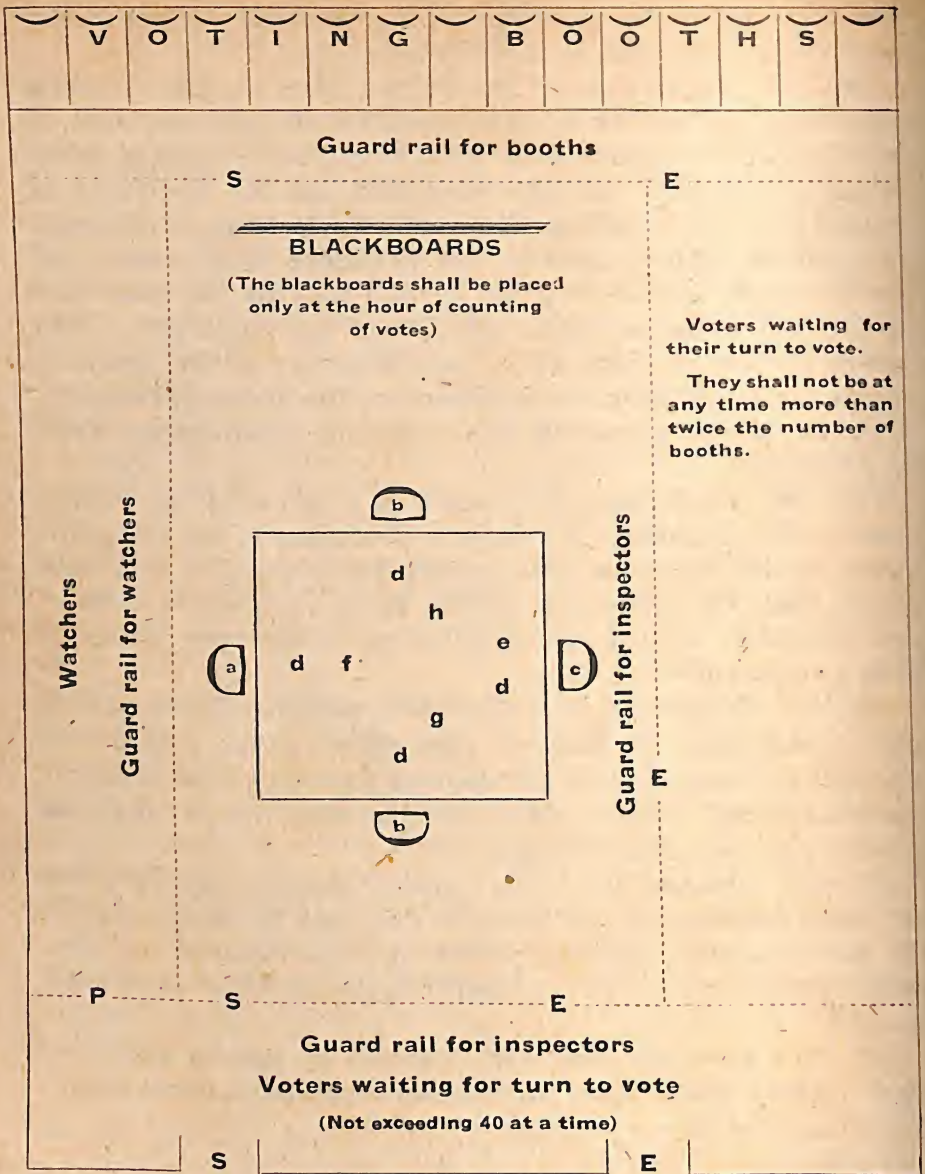
SEC. 58. *Buildings that shall not be used as polling places.*—No building of which a candidate is the owner or lessee, or located in a place under the control of a private entity shall be used as a polling place, if there is another one available within the precinct or within the poblacion of the municipality.

SEC. 59. *Signs and flags of polling places.*—Every polling place shall have in front a sign showing the precinct to which it belongs, and on the days of meeting of the board of inspectors the official flags of the government shall be hoisted at the proper height.

SEC. 60. *Change of polling places.*—After a polling place has been designated, its location shall not be changed until the next regular election, unless it is so ordered by competent authority, except in case it is destroyed or it can not be used.

SEC. 61. *Arrangement and contents of polling places.*—Each polling place shall conform as much as possible to the following sketch:

SKETCH OF POLLING PLACE



P=Door
 E=Entrance
 S=Exit
 a=Chairman of the board
 b=Election inspector
 c=Poll clerk

d=List of voters
 e=Stationery, forms, etc.
 f=Unused official ballots
 g=White box
 h=Red box

SEC. 62. *Voting booths*.—During the voting there shall be in each polling place a booth for every twenty voters registered in the precinct. Each such booth shall have an opening on the side fronting the table of the inspectors and its three sides shall be closed with walls at least one meter wide and two meters high. The upper part shall be covered if necessary to preserve the secrecy of the ballot. Each booth shall have in the background a shelf so placed that voters can write thereon while standing and shall be kept clearly lighted, by artificial lights, if necessary, during the voting.

SEC. 63. *Guard rails*.—(a) In every polling place there shall be a guard rail between the voting booths and the table of the board of inspectors which shall have separate entrance and exit. The booths shall be so arranged that they can be accessible only by passing through the guard rail and by entering through its open side facing the table of the board of inspectors.

(b) There shall also be a guard rail for the watchers between the place reserved for them and the table for the board of inspectors and at a distance of not more than fifty centimeters from the latter so that the watchers may see and read clearly during the counting the contents of the ballots and see and count the votes recorded by the inspector on the corresponding tally sheets.

(c) There shall also be, if possible, guard rails separating the table of the board of inspectors from the voters waiting for their turn to cast their votes, with entrance and exit to give them orderly access to the table and the booths during the voting.

(d) The polling place shall be so arranged that the booths, the table, the ballot boxes and the whole polling place, except what is being written within the booths, shall be in plain view of the board of inspectors, the watchers and other persons who may be within the polling place.

SEC. 64. *Ballot Boxes*.—(a) There shall be in each polling place on the day of the voting two ballot boxes, one painted white and plainly marked "BOX FOR VALID BALLOTS" and a smaller one painted red plainly marked "BOX FOR

SPOILED BALLOTS." The boxes of each kind shall be uniform throughout the Philippines and shall be solidly constructed, and shall be closed with three different locks in such a way that they can not be opened except by means of three distinct keys. Each of the keys shall, during the voting and counting of the votes, be in the hands of a different inspector. Immediately after the boxes are locked upon the completion of the counting, the six keys of the two boxes shall be placed in three separate envelopes, each one of which shall contain a key of the white box and another of the red box. Said envelopes shall be signed by all the members of the board of inspectors. The provincial commander or his authorized representative shall forthwith take delivery of said envelopes signing a receipt therefor; he shall keep one under his custody and deliver one to the provincial treasurer and the other to the provincial fiscal. Said officials shall keep the envelopes containing the keys intact during a period of three months. Upon the lapse of this period, if before said date the courts did not order otherwise, the provincial commander and the provincial fiscal shall deliver to the provincial treasurer the envelopes for the keys under their custody.

(b) In case of the destruction or disappearance of the ballot boxes on the election day, the board of inspectors shall immediately report it and the municipal treasurer shall furnish other boxes or receptacles as equally adequate as possible.

SEC. 65. *Blackboards*.—At the beginning of the counting, there shall be placed upon the side of the booths in a place within plain view of the watchers and the public, blackboards where the names of all the registered candidates shall be written and the poll clerk shall record thereon the votes received by each one of them as the chairman of the board of inspectors reads the ballots.

SEC. 66. *Pencils*.—In every polling place there shall be a sufficient quantity of indelible pencils for the use of the voters who may ask for them.

SEC. 67. *Furnishing of ballot boxes, forms, stationeries, and materials for election*.—The Secretary of the Interior

shall prepare and furnish the ballot boxes, forms, stationeries, and other materials necessary for the registration of voters and the holding of the election.

SEC. 68. *Inspection of polling places.*—Before the day of the election, the Secretary of the Interior shall, personally or through a deputy, see to it that all polling places are inspected and such omissions and defects as may be found, corrected. The Secretary shall keep the reports on these inspections.

ARTICLE VI.—*Boards of Inspectors*

SEC. 69. *Appointment of election inspectors and poll clerks.*—It shall be the duty of the presiding officer of the municipal council to appoint, fifty days immediately prior to the date of a regular election, a board of election inspectors composed of three inspectors and a poll clerk who shall hold office until their successors are appointed for the next regular election, unless they are sooner relieved. Whenever in this code mention is made of the board of inspectors or of members of the board of inspectors it shall be understood to include the poll clerk.

SEC. 70. *Representation of parties in the board of inspectors.*—Two of the inspectors and the poll clerk and their substitutes shall belong to the party which polled the largest number of votes at the next preceding election, and the other inspector and his substitute shall belong to the party which polled the next largest number of votes at said election. In computing the number of votes polled by the parties, in case the appointment of inspectors is for a regular election of provincial and municipal offices, the votes polled by all the candidates of each party for said offices in the municipality shall be counted, and in case the appointment of inspectors is for a regular election for President and Vice-President of the Philippines and Assemblymen, or only the latter, the votes polled by the candidates of each party in the legislative district shall be counted. The party affiliation of the candidates voted for shall be determined from their certificates of candidacy.

SEC. 71. *In case the two major parties unite.*—In case the parties which polled the largest and the next largest number

of votes at the next preceding election present only one candidate for each office, the other inspector shall belong to the party of the opposing candidate, and should there be more than one opposing party presenting a candidate, said inspector shall belong to the party first organized in the locality.

SEC. 72. *Branches or fractions seceding from party.*—No inspector shall be granted to any branch or fraction which has seceded from its respective party, or from the party resulting from their fusion.

SEC. 73. *Nominations of inspectors and poll clerks.*—The inspectors and poll clerks and their respective substitutes shall be from among those proposed by the authorized representatives of the national directorates of the parties. Said parties shall communicate in writing to the presiding officer of the municipal council at least three days before the day fixed for the appointment of the board of election inspectors, the names and addresses of all persons who shall act as their representatives in connection with the appointment of the members of the board of inspectors.

SEC. 74. *Relief of members of the board.*—Any member of the board of inspectors as well as his substitute may at any time be relieved from office and substituted with another having the legal qualifications, upon petition of the representatives of the party upon whose nomination the appointment was made, and it shall be unlawful to prevent said person from, or disturb him in, the performance of the duties of the said office. A record of each case of substitution shall be made, setting forth therein the hour in which the replaced member has ceased in office, and the status of the work of the board of inspectors. Said record shall be signed by each member of the board including the incoming and outgoing officers.

SEC. 75. *Vacancy in the board of inspectors.*—Every vacancy in the board of election inspectors shall be filled for the remaining period in the manner hereinbefore prescribed.

SEC. 76. *Definition of political party.*—Political party, or simply party, when used in this Code, means an or-

ganized group of persons pursuing the same political ideals in a government and includes its branches and divisions.

SEC. 77. *Qualifications of members of the board.*—No person shall be appointed or act as member of the board of election inspectors, or as substitute, unless he is a qualified elector of the municipality, of good reputation, shall not have been convicted of any election offense or of any other crime punishable with more than six months imprisonment, or shall have pending against him an information for any election offense, and must know how to speak and write English, Spanish, the national language, or the local dialect.

SEC. 78. *In case of disqualification of a member of the board.*—In case a member of the board of inspectors shall become disqualified to continue acting as such, his office shall be immediately filled by the substitute until the appointment of his successor by the presiding officer of the municipal council, and if the successor be likewise disqualified or cannot act for any reason whatsoever, the successor of the disqualified member shall be appointed as soon as possible upon the nomination by the party of his predecessor.

SEC. 79. *Ineligibility of public officers and employees.*—Except in the case provided in sections eleven and twelve of this code and the notaries public, no person holding a public office or who is a candidate for an elective office may be appointed member, or substitute of a member, of a board of inspectors.

SEC. 80. *Suspension and temporary substitution of officer who refuses to coöperate.*—Any officer who shall fail to comply with an order of the court or of any competent authority relative to the appointment of inspectors or poll clerks shall be immediately suspended and replaced temporarily with a person belonging to the party of the suspended officer, without prejudice to his criminal responsibility.

SEC. 81. *Certificate of appointment of member of board.*—The election inspectors and poll clerk shall receive an appointment in which the election precinct to which they may be assigned and the date of their appointment shall be stated.

SEC. 82. *Organization and functioning of the board of inspectors.*—The board of inspectors shall elect one of their number as chairman of the board. In the absence of a majority for the election, the chairmanship shall be determined by drawing lots. The board may at any time replace its chairman by a majority vote and, whenever its membership is changed, a motion to that effect shall be in order. During the meetings of the board and especially during the voting and counting of the votes, not more than one member of the board shall absent himself from the polling place at a time, and in no case shall such absence be for more than twenty minutes. The board of inspectors shall act through its chairman, by the vote of the majority of its members, but the poll clerk shall have no vote in its proceedings. The board shall decide without delay all questions which may arise in the performance of its duties.

SEC. 83. *Temporary vacancies.*—If, at the time of the meeting of the board, any inspector or the poll clerk is absent, or the office is still vacant, the inspector present shall call upon the substitute of the absent member to perform the duties of the latter; and in case such substitute can not be found, the inspector present shall appoint any elector of the election precinct, upon nomination by the representative of the party of the absent member or in his absence, by the watchers belonging to the party, to temporarily fill said vacancy until the absent member appears or the vacancy is filled. In case there are two inspectors present, they shall act jointly.

SEC. 84. *Arrest of absent member.*—The inspector or inspectors present may order the arrest of any inspector or poll clerk or substitute thereof who, in their judgment, has absented himself with the intention of obstructing the performance of the duties of the board.

SEC. 85. *Temporary designation of inspectors and poll clerks by electors.*—If at the time in which the board must meet all the offices of inspectors and poll clerks are vacant, or if not one of them shall appear, the qualified electors of

the election precinct present, if not less than ten, may designate electors of the precinct to act in the place of the inspectors and the poll clerk until the absentees shall appear or the vacancies are filled.

SEC. 86. *Oath of the members of the board.*—The election inspectors and poll clerks, whether permanent, substitute or temporary, shall, before assuming their office, take an oath before an officer authorized to administer oaths or, in his absence, before any other member of the board present, or in case no one is present, they shall take it before any elector. The oaths shall be sent immediately to the municipal treasurer.

SEC. 87. *Publicity of and order during the proceedings of the board.*—All meetings of the board of inspectors shall be public. The board shall have full authority to keep order within the polling place and its environs, to keep the access thereto open and unobstructed, and to enforce obedience to its lawful commands. If any person shall refuse to obey a lawful command of the board, or shall observe a disorderly conduct in its presence or within its hearing and thus interrupt or disturb its work or the proceedings in connection with the registration, voting and counting of votes, the board may issue an order in writing directing any peace officer to take such offending person into his custody until the adjournment of the meeting; but such order shall not be so executed as to prevent the person so taken into custody from exercising his right to vote at such election. Such order shall be executed by any peace officer to whom it may be delivered, but if none shall be present, by any other person deputed thereto by the board in writing.

SEC. 88. *Official watchers of candidates.*—(a) During the registration of voters, voting and counting of the votes, and in general, at all meetings of the board of inspectors, the watchers appointed by the candidates shall have the right to stay in the space reserved for them within the polling place. Every candidate for a national or provincial office, for mayor or vicemayor or for city councilor, shall have the right to have a watcher in every polling place and

the candidates for councilor of a municipality or of a municipal district of each party shall collectively have the right to appoint a watcher.

(b) The watchers shall have the right to witness and inform themselves of the proceedings of the board, to take notes of what they may see or hear, to file a protest against any irregularity which they believe may have been committed by the board of inspectors, to obtain from the poll clerk a certificate as to the filing of such protest or of the resolution thereof, and to read the ballots after they have been read by the inspectors, without touching them; but they shall not speak to the inspectors nor to the voters, nor among themselves in such manner as to interrupt the proceedings.

SEC. 89. *Pay for inspectors and poll clerks and the municipal treasurer.*—Every inspector and poll clerk shall be entitled to a per diem for every day of actual service in the meetings of the board, and for the day of the election they shall receive two days' per diem. For his services relative to the holding of any election, the municipal treasurer shall, in addition to his salary, receive a compensation equal to the salary of an inspector on the day of election. The municipal council shall fix the rate of such per diem, which shall not be less than five pesos nor more than fifteen pesos per day.

ARTICLE VII.—*List of Voters*

SEC. 90. *Permanent list of voters every twelve years.*—There shall be in each municipality a permanent list of voters which shall be completely renewed every twelve years. The list of voters prepared in the elections held in nineteen hundred and thirty-seven, with such additions, cancellations, and corrections as may be proper, shall constitute the permanent list of voters until its renewal in nineteen hundred and forty-nine.

SEC. 91. *Necessity of registration to be entitled to vote.*—In order that a qualified elector may vote in any regular or special election, he must be registered in the permanent list of voters of the municipality or municipal district.

SEC. 92. *Who may be registered in the list.*—All persons having complied with the requisites herein prescribed for the registration of voters shall be registered in the list, provided they possess the qualifications prescribed for a voter and they are not of those disqualified. Any person who may not have on the date of the registration the age or period of residence required may also be registered upon proof that on the date of the election he shall have such qualifications.

SEC. 93. *Qualifications prescribed for a voter.*—Every citizen of the Philippines, whether male or female, twenty-one years of age or over, able to read and write, who has been a resident of the Philippines for one year and of the municipality in which he has registered during the six months immediately preceding and who is not otherwise disqualified, nor is an officer or soldier of the Constabulary or of the active regular army of the Philippines or of the United States, may vote in the said municipality at any election.

SEC. 94. *Disqualifications.*—The following persons shall not be qualified to vote:

(a) Any person who has been sentenced by final judgment to suffer eighteen months or more of imprisonment, such disability not having been removed by plenary pardon.

(b) Any person who has been declared by final judgment guilty of any crime against property.

(c) Any person who has violated his allegiance to the United States or to the Commonwealth of the Philippines.

(d) Insane or feeble-minded persons.

(e) Persons who can not prepare their ballots themselves.

SEC. 95. *Preparation of the permanent list of voters.*—For the preparation of the permanent list of voters in nineteen hundred and forty-nine and every twelve years thereafter, the board of inspectors of each election precinct shall hold four meetings in the place designated as polling place on the seventh Friday, seventh Saturday, sixth Friday, and sixth Saturday next preceding the date of the regular

election to be held. At these meetings, the board shall prepare as provided in this Code eight copies of the list of voters of the precinct wherein it shall register the qualified electors applying for registration.

SEC. 96. *Preparation of the list before other regular elections.*—For the preparation of the list before other regular elections, the board of inspectors of each election precinct shall hold two meetings in the polling place on the seventh Saturday and sixth Saturday next before the day of the election. At these meetings, the board shall prepare and certify eight copies of the list of voters of the corresponding precinct transferring thereto the names of the voters appearing in the list used in the preceding election and registering therein such new qualified voters as may apply therefor.

SEC. 97. *Preparation of list before any special election.*—For the preparation of the list of voters before a special election, the board of inspectors of each election precinct of the political division concerned, shall hold a meeting in the polling place on the second Saturday following the date of the proclamation calling such election. At this meeting the board shall transfer the names of the voters appearing in the list used in the preceding election and shall register the new qualified electors applying therefor.

SEC. 98. *Transfer of voters from the permanent list to the current one.*—The transfer of the names of the voters of the precinct already registered in the list used in the preceding election to the list to be made as provided for in the two preceding sections, is a ministerial duty of the board, and any omission or error in copying shall be corrected by the board itself whenever such error is noticed, *motu proprio* or upon petition of the interested party, and if the board should refuse, the interested party may apply to the justice of the peace of the municipality, to the justice of the peace of the capital, or to the judge of the court of first instance of the province.

SEC. 99. *Cancellations and exclusions in the transfer of names.*—In transferring the names of the voters of the precinct from the list used in the preceding election to the

current list, the board shall exclude those who have applied for the cancellation of their registration, those who have died, those who did not vote in two successive elections, and those who have become disabled or disqualified, upon motion of any member of the board or of any elector or watcher upon satisfactory proof to the Board, and upon summons to the voter in cases of disqualification or disability. The poll clerk shall keep a record of these exclusions and shall furnish a copy thereof to the municipal treasurer, the register of deeds of the province, and the Department of the Interior, to be attached by them to the permanent list under their custody.

SEC. 100. *Meeting to close the list of voters before each election.*—The board of inspectors shall also meet on the second Saturday immediately preceding the day of the regular election, or on the second day immediately preceding the day of the special election, whether it be Sunday or a legal holiday, for the purpose of making such inclusions, exclusions, and corrections as may be ordered by the courts, stating opposite every name so corrected, added or cancelled, the date of the order and the court which issued the same, and for the consecutive numbering of the voters of the election precinct.

SEC. 101. *Re-registrations in the list.*—Voters who are registered in the permanent list of a municipality need not register anew therein until the preparation of the new permanent list, unless their residence is changed to another municipality, in which case they shall have to register in the permanent list of their new residence, upon previous application for cancellation of their previous registration, and except those who have been stricken out of the list upon their own petition or for not having voted in two successive elections, in which case, they may apply for re-registration, provided they preserve the legal qualifications of a voter.

SEC. 102. *Registration in another municipality.*—Any voter who desires to transfer his registration to another municipality shall file, or send by registered mail at least ten days before the first registration day, to the municipal

treasurer of the municipality wherein he is registered a sworn petition in quadruplicate applying for the cancellation of his registration and giving his address at his new residence and the date on which he removed thereto. Upon receipt of the petition, the municipal treasurer shall strike out the name of the applicant from the copy of the list on file in his office and shall immediately send a copy of the petition to the proper board of inspectors, another to the register of deeds of the province and another to the Department of the Interior, who shall likewise strike out the name of the applicant from the copy of the list used in the last election under their custody.

SEC. 103. *Meeting hours of the board.*—The meetings of the board of inspectors for the registration of voters shall commence at seven o'clock in the morning and shall continue until seven o'clock in the evening. They may be suspended for one hour only at midday. If upon the stroke of seven o'clock in the evening there are still within a distance of thirty meters in front of the polling place persons who wish to register, the board shall hand a card signed by one of its members and consecutively numbered to each of such persons, and upon the production of such card, if they have the prescribed qualifications, the board shall register them in the list at the same meeting.

SEC. 104. *Voter's affidavit.*—Every person desiring to be registered in the list of voters shall, under oath taken before the board of inspectors, sign and affix the imprint of the thumb of his right hand to a statement in triplicate, wherein his name and surname, his place of birth, age on his last birthday, civil status, profession, occupation or trade and residence, giving his correct and exact address, that he possesses the qualifications required of a voter and that he is not in any way legally disqualified from voting, shall be set forth. The board of inspectors shall require that the thumb-mark appear plainly printed.

SEC. 105. *Identification of voters.*—Any voter who is not known by the members of the board may be identified by any voter of the precinct, or by the production of his birth or baptismal certificate or of any identification card issued

by the municipal treasurer. No fees nor documentary stamps shall be required on such documents.

SEC. 106. *Preservation of the voters' affidavits.*—A copy of the affidavit of each voter shall be kept by the board of inspectors until after the election, when it shall deliver it to the municipal treasurer together with the copies of the list of voters and other election papers for use in the next election. The other copy shall be sent by the board on the day following the date of the affidavit to the office of the register of deeds. The latter shall file and preserve the voters' affidavits by municipalities and in alphabetical order of their surnames. The third copy shall be handed to the voter with a certificate that he has been registered in the list of voters.

SEC. 107. *Columns in the list of voters.*—The list of voters shall be arranged in columns as follows: In the first column there shall be entered, at the time of the closing of the list before each election, a number opposite the name of each voter registered beginning with number one and continuing in consecutive order until the end of the list. In the second column, the surnames generally used by such persons shall be written in alphabetical order followed by their respective Christian names, without abbreviations of any kind. In the third column, the respective residences of such persons with the name of the street and number, or in case there be none, a brief description of the locality or place, shall be inserted. In the fourth column, there shall be put on the day of the election the numbers of the ballots which were given successively to the voter. In the fifth column, the voter shall stamp on the day of the election the mark of the thumb of his right hand and under said mark his signature. And in the sixth column, the signature of the member of the board who has handed the ballot to the voter. It will be sufficient that the fourth, fifth, and sixth columns shall be filled in the copy of the list under the custody of the member of the board who has handed the ballot to the voter. It shall be the duty of the board of inspectors to see to it that the thumb-mark is stamped plainly.

SEC. 108: *Certificates of the board in the list of voters.*—Upon the adjournment of each meeting for the registration of voters, the board of inspectors shall close each alphabetical group of surnames of voters by writing the date on the next line in blank, which shall be forthwith signed by each member, and before adding a new name on the same page at the next meeting, it shall write the following: "Added at the meeting", specifying if it is the second, third or fourth meeting of the board. If the meeting adjourned is the last one for the registration of voters, the board shall, besides closing each alphabetical group of voters as above provided, add at the end of the list a certificate (a) of the corrections and cancellations made in the permanent list; specifying them, or that there has been none, and (b) of the total number of voters registered in the precinct.

SEC. 109. *Publication of the list.*—At the first hour of the working day following that of the registration of voters, the poll clerk shall deliver to the municipal treasurer a copy of the list certified to by the board of inspectors as provided in the preceding section; another copy, also certified, shall be sent to the register of deeds of the province, and another, likewise certified, shall be sent to the Secretary of the Interior, in whose offices said copies shall be open to public inspection during regular office hours. On the same day and hour, the poll clerk shall also post a copy of the list in the polling place in a secure place on the door or near the same at a height of a meter and a half, where it may be conveniently consulted by the interested parties. Each member of the board shall also have a copy of the list so prepared, which may be inspected by the public in the residence or office of said member during regular office hours. Immediately after the meeting for the closing of the list, the poll clerk shall also send a notice to the officials above named regarding the changes and the numbering above referred to, to be attached to the copy of the list under their custody.

SEC. 110. *Challenge of right to register.*—Any registered voter or any person applying for registration may be chai-

lenged before the board of inspectors on any registration day by any inspector, elector, candidate, or watcher. The board shall then examine the challenged person and shall receive such other evidence as it may deem pertinent, after which it shall decide whether the elector shall be included in, or excluded from, the list as may be proper. All challenges shall be heard and decided without delay, and in any case, within one hour after receiving the evidence.

After the question has been decided, the board shall give to each party a brief certified statement setting forth the challenge and the decision thereon.

SEC. 111. *Power of the board to administer oaths and issue summons.*—For the purpose of determining the right of applicants to be registered as voters in the list, the boards of inspectors shall have the same powers possessed by justices of the peace to administer oaths, to issue *subpœna* and *subpœna duces tecum*, and to compel witnesses to appear and testify, but the latter's fees and the expenses incident to the process shall be paid in advance by the party in whose behalf the summons is issued.

SEC. 112. *Organization of judicial circuits.*—(a) The judge of the Court of First Instance of the judicial district shall, at least fifteen days before the first registration day for each regular election, divide his district, for the purposes of this Code, into circuits composed of several municipalities in accordance with the distance and facilities of communication between them, and he shall for each one of them assign a justice of the peace who shall hear and decide petitions for any voter's inclusion in or exclusion from the list.

(b) The clerk of the Court of First Instance shall send to the municipal secretaries and to the boards of inspectors of the municipalities belonging to the judicial district a notice of the organization of the circuits and of the names, residences and office hours of the justices of the peace designated for such purpose and assigned thereto. Upon receipt of the notice of the clerk of court, the secretary shall post the same in a conspicuous place in the municipal

building, and the boards of inspectors, in a conspicuous place in their polling place.

SEC. 113. *Jurisdiction in inclusion and exclusion cases.*—

(a) The judge of the Court of First Instance and the justice of the peace of the capital shall have concurrent jurisdiction throughout the province, and the circuit justice of the peace shall have in the municipalities forming his circuit concurrent jurisdiction with the former over all matters of inclusion in and exclusion of voters from the list, but the one to whom the application is first presented shall acquire exclusive jurisdiction thereon, and from the decisions of the justices of the peace an appeal shall lie to the judge of the Court of First Instance within five days from the receipt of the notice by the parties. However, if the judge of the Court of First Instance is in the province, the proceedings shall, upon petition of any interested party filed before the presentation of evidence, be remanded to the said judge who shall hear and decide the same in the first and last instance.

(b) The circuit justice of the peace may hold sessions in any municipality of his circuit, the justice of the peace of the capital, in any municipality of the province, and the judge of the Court of First Instance, in any municipality in the judicial district, as they may deem fit, for the hearing and decision of the application, and the traveling expenses and per diems of the judge and his personnel shall be paid by the municipality to which the application corresponds and to which they go.

SEC. 114. *Application for inclusion of voters in the list.*—

Any person whom the board of inspectors has refused to register or whose name has been stricken out from the list may apply, within twenty days after the last registration day, to the circuit justice of the peace, to the justice of the peace of the capital, or to the judge of the Court of First Instance of the province, for an order directing the board of inspectors to include or reinstate his name in the list, together with the certificate of the board of inspectors regarding his case and proof of service of notice of his application upon a member of the board of inspectors,

with indication of the time, place, and court before which the application is to be heard.

SEC. 115. *Voters excluded through inadvertence or registered with an erroneous or misspelled name.*—Any voter registered in the permanent list, who has not been included in the list prepared for the next election or who has been included therein with a wrong or misspelled name, shall have the right to file an application on any date with the justice of the peace of the municipality, or with that of the capital or with the judge of the Court of First Instance, for an order directing that his name be reinstated in the list or that he be registered with his correct name. He shall attach to such application a certified copy of the entry of his name in the list for the preceding election, together with proof that he has applied without success to the board of inspectors and that he has served notice thereof upon a member of the board.

SEC. 116. *Application for exclusion of voters from the list.*—Any registered voter in the municipality and any watcher or candidate may apply, within twenty days next following the last registration day, to the judge of the Court of First Instance, the justice of the peace of the capital, or the circuit justice of the peace, for the exclusion of a voter from the list, giving the name and the residence of the latter, the election precinct in which he is registered, and the grounds for the challenge. The application shall be sworn to and accompanied by proof of notice to a member of the board of inspectors and to the challenged voter.

SEC. 117. *Questions as to right of voter to be registered for special elections.*—On the registration day for a special election and on any of the following five working days any voter's inclusion in, or exclusion from, the list may be requested upon application therefor filed with the judge of the Court of First Instance, or in his absence, with the justice of the peace of the capital, in conformity with the general procedure prescribed for such cases, and with such previous notice as may be practicable or may be required in the discretion of the judge, the latter shall decide the case as the law may warrant, within ten days following

the day of the filing and in no case shall the decision be rendered after the second day next prior to the election.

SEC. 118. *Common rules governing judicial proceedings in the matter of inclusion, exclusion, and correction of names of voters.*—(a) Outside of the regular office hours no application for inclusion, exclusion, or correction of names of voters shall be received.

(b) Notices to the members of the board of inspectors and to the challenged voters shall state the place, day and hour in which such application or motion shall be heard, and such notice may be made by sending a copy thereof by registered mail or by personal delivery to them, or by leaving it in the possession of a person of sufficient discretion in the residence of the said persons, or in the event that the foregoing procedure is not practicable, by posting a copy in a conspicuous place in the municipal building and in the polling place, at least ten days prior to the day set for the hearing.

(c) Each application shall refer to only one voter.

(d) No costs shall be assessed in these proceedings. However, if the judge should be satisfied that the application has been filed for the only purpose of molesting the adverse party and causing him to incur expenses, he may condemn the culpable party to pay the costs and incidental expenses.

(e) Any candidate who may be affected by the proceedings may intervene and present his evidence.

(f) The decision shall be based on the evidence presented. If the question is whether or not the voter can read and write, such voter shall be personally examined before the court. In no case shall a decision be rendered upon a stipulation of facts.

(g) These applications shall be heard and decided without delay. The decision shall be rendered within six hours after the hearing and within ten days from the date of its filing or registration in court. Cases appealed or remanded to the judge of the Court of First Instance shall be decided within six hours after the hearing and within ten days after their receipt in the office of the clerk of court.

ARTICLE VIII.—*Official Ballots*

SEC. 119. *Official ballots*.—Uniform official ballots shall be provided at public expense for each election. Said ballots shall be of white paper in the shape of a strip one hundred and twenty millimeters wide and two hundred and forty millimeters long, exclusive of the stub and the coupon containing the detachable number of the ballot, and shall bear at the top the coat of arms of the Commonwealth, the words "Official Ballot," the name of the municipality and province in which the election is held, the date of the election, and the following notice in eight point gothic type: "Fill out this ballot secretly inside the booth. Do not write anything nor put any distinctive mark thereon but the names of the candidates you vote for. Any violation of this instruction will invalidate your vote." On the body of the ballot shall be printed on the left margin the title of each one of the offices to be voted for in twelve point gothic type, followed by a blank line for the name of the candidate for whom the voter desires to vote, and if more than one is to be elected, the corresponding number of blank lines consecutively numbered, immediately below the title of the office. There shall not be anything on its reverse side. There shall be in the coupon a space for the thumbmark of the voter.

SEC. 120. *Manner of folding the ballots*.—The ballots shall be folded twice toward the bottom, so that they shall, when folded, be sixty by one hundred and twenty millimeters, with the entire coupon and its detachable number visible.

SEC. 121. *Arrangement of the official ballots*.—The official ballots shall be bound in books of one hundred ballots each. Each ballot shall be joined by a perforated line to a stub numbered consecutively beginning with number one in each municipality. The ballot shall also have at its bottom a detachable coupon bearing the same number as the stub. Each book of ballots shall bear on its cover the name of the municipality in which the ballots are to be used and the numbers of the ballots contained therein, and shall be numbered consecutively from number one in each municipality.

The Director of Printing, the provincial treasurer and the municipal treasurer shall respectively keep a record of the ballots furnished to the various provinces, cities, municipalities, municipal districts, and election precincts.

SEC. 122. *Emergency ballots.*—No ballots other than the official ballots shall be used or counted, except in the event of failure to receive the ballots on time, or there are not sufficient ballots for all registered voters, or they are destroyed at such time as shall render it impossible to provide other ballots, in which cases the provincial board, or if there be no time therefor, the municipal treasurer shall procure from any available source another set which shall be as nearly like the official ones as circumstances will permit and which shall be uniform within each precinct.

SEC. 123. *Sample ballots.*—Boards of election inspectors shall be furnished with at least thirty sample ballots, in all respects like the official ballots, but printed on colored paper, to be shown to the public and used in demonstrating how to fill out and fold the official ballots properly. No name of any actual candidate shall be written on such sample ballots nor shall they be used for voting nor shall they be counted.

SEC. 124. *Requisition for official ballots.*—(a) Ballots shall be furnished by the Director of Printing at the expense of the municipality upon requisition therefor by the provincial treasurer in the usual form. The requisition shall be for each municipality, at the rate of one and one half ballot for every person registered in the list in the last preceding election. The requisition shall specify what offices are to be filled in each municipality.

(b) The requisition shall be made whenever possible at least seventy days before the date of the election.

(c) In the case of special elections, the Secretary of the Interior shall request the Director of Printing to furnish official ballots to the municipalities of the political division concerned in the same quantities furnished them in the last regular election, plus an additional number of ballots equivalent to ten per centum thereof.

ARTICLE IX.—*Casting of Votes*

SEC. 125. *Voting hours.*—The casting of votes shall commence at seven o'clock in the morning and shall stop at six o'clock in the afternoon, except when there are voters present within thirty meters in front of the polling place who have not yet cast their votes, in which case the board of inspectors shall hand to each one a card numbered consecutively and signed by one of its members, and upon the presentation of such card, the voter shall be allowed to vote after six o'clock in the afternoon. No card shall be given out before the board of inspectors has prepared a complete list of the voters who have the right to receive cards. The names of the voters shall be consecutively numbered in said list. No card shall be given out to any voter arriving after said hour nor shall he be permitted to vote.

SEC. 126. *Preliminaries to the voting.*—The board of inspectors shall meet at the polling place one-half hour before the time fixed for the commencement of the voting and shall have four copies of the list of voters of the precinct, one under the care of each member who shall sign on its cover, the collection of the affidavits of the voters of the precinct, alphabetically arranged by the surnames, the box for valid ballots, the box for spoiled ballots, the official ballots, sufficient quantity of pencils for the use of the voters, the forms to be used during the day, and all other materials which may be necessary. Immediately thereafter, the chairman shall open the ballot boxes one after the other, shall empty them and exhibit them to all those present, and, being empty, shall lock each box with three keys which shall remain so locked until the voting is finished and the counting begins. However, if it should become necessary to make room for more ballots, the chairman may open the box for valid ballots in the presence of the whole board and the watchers, and with his hands press down the ballots contained therein without removing any of them; after which the board shall close the box and lock it with its three keys as hereinbefore provided.

SEC. 127. *Persons allowed in and around the polling place.*—During the voting, no person shall be allowed within the polling place except the members of the board of inspectors and their substitutes, the watchers, the deputy supervisors of the Department of the Interior, the voters casting their votes, the voters waiting for their turn to get inside the booths, whose number shall not exceed at a time twice the number of booths, the voters who are waiting for their turn to cast their votes, whose number shall not exceed forty at any one time, and the peace officers in the service of the board for the preservation of order. The watchers shall stay only in the space reserved for them, it being illegal for them to enter places reserved for the voters or for the board or to mingle and talk within the polling place with the voters who have not yet voted.

SEC. 128. *Order of voting.*—The voters shall have the right to vote in the order of their entrance into the polling place. The voters shall have the right to freely enter the polling place as soon as they arrive except when inside the polling place there are more than forty voters waiting, in which case they shall have the right to enter in the order of their arrival as those who are inside go out, which the latter shall immediately do after having cast their votes.

SEC. 129. *Manner of obtaining ballot.*—The voter shall approach one of the inspectors or the poll clerk and shall give him his name and address together with other data concerning his person which appear in the registry list and which may be asked of him by any member of the board of inspectors. Said inspector or poll clerk shall then distinctly announce the voter's name in a clear manner and in a tone loud enough to be plainly heard throughout the polling place. If such person is entitled to vote and has not been challenged or if, having been challenged, the question has been decided in his favor, said inspector or poll clerk shall deliver to him a ballot correctly folded. The latter shall not deliver the ballot to the voter without first entering its number in the corresponding column of the registry list. No person other than the inspectors or the

poll clerk shall deliver official ballots nor shall more than one ballot be delivered at one time.

SEC. 130. *Manner of preparing the ballot.*—The voter, on receiving his ballot, shall forthwith retire to one of the empty voting booths and shall there fill his ballot by writing in the proper space for each office the name of the person for whom he desires to vote. No voter shall be allowed to enter a booth occupied by another voter nor enter the same accompanied by somebody, nor stay therein for more than five minutes in case there are other voters who are waiting for their turn to vote, or speak with anyone other than as herein provided while within the polling place. It shall be unlawful to prepare the ballot outside the voting booth or to exhibit its contents to any person before it is placed in the ballot box, or to erase any printing from the ballot, or to intentionally tear or deface the same or to put thereon any distinctive mark. It is likewise unlawful to use carbon paper, paraffined paper, or other means for making a copy of the ballot, or make use of any other means of identifying the vote of the voter.

SEC. 131. *Disposition of spoiled ballots.*—If a voter shall soil or deface a ballot in such a way that it cannot lawfully be used, he shall surrender it folded to the inspector or poll clerk from whom he received it, who shall give him another one not exceeding two successively. Each ballot given to a voter shall be announced in the polling place and the inspector or poll clerk who has given it shall record the fact of its delivery in his copy of the registry list. The spoiled ballot shall be distinctly marked without unfolding it with the word "spoiled" on the indorsement fold thereof and immediately placed in the box for spoiled ballots.

SEC. 132. *Casting of vote.*—After his ballot is filled, the voter shall stamp his thumb-mark on the coupon and deliver the folded ballot to the inspector or poll clerk from whom he received it, and the latter, without seeing nor exposing its contents, in the presence and view of the voter, shall verify and remove its number, shall deposit the ballot in the box for valid ballots, and shall place the number in the box

for spoiled ballots. The voter shall forthwith affix his signature and the imprint of the thumb of his right hand in the copy of the registry list of the inspector or poll clerk who gave him the ballot, in the column intended for that purpose, and the inspector or poll clerk shall in turn sign by the side of said thumb-mark. The voter shall then depart. At the time of casting a vote, any ballot whose detachable coupon has been removed not in the presence of the board and of the voter, or whose number does not coincide with the number of the ballot delivered to the voter, as entered in the registry list, shall be considered as spoiled.

SEC. 133. *Challenge of illegal voter.*—(a) Any voter or watcher may challenge any person offering to vote for not being registered in the list. or for using the name of another. In such case, the board shall take the oath of the challenged person or shall otherwise satisfy itself as to whether or not the ground of the challenge is true.

(b) For the purpose of receiving and counting the vote, it shall be sufficient that the person so challenged prove that he is the same person registered, by means of his voter's affidavit which ought to be before the board of inspectors or by means of a statement identifying him, subscribed and sworn to by a voter known to the board. This statement shall be attached to the minutes of the incident to be made at the time by the poll clerk.

SEC. 134. *Challenge based on ground of corrupt practices.*—Any voter, candidate, or watcher may on the ground of corrupt practices in connection with the election challenge any voter offering to vote. In such case, the challenged person shall take oath before the board that he has not received, nor expects to receive, nor has paid, offered or promised to pay, that he has not contributed, offered or promised to contribute money or anything of value, in consideration for his vote or for the vote of another; that he has not made nor received any promise to influence the giving or withholding of any such vote, and that he has not made any bet nor is interested directly or indirectly in any bet which depends upon the result of the election. Upon the taking of such oath by the challenged person, the chal-

lenge shall be dismissed; but in case of his refusal to take such oath, the challenge shall be sustained and his vote rejected.

SEC. 135. *Admission of challenged vote immaterial in criminal proceedings.*—The admission of the vote shall not be conclusive upon any court as to the legality of the registration or the casting of the vote of the challenged voter in a criminal action against such person for illegal registration or voting.

SEC. 136. *Record of challenges and oaths.*—The poll clerk shall keep a record of the challenges and the oaths taken in connection therewith as well as of the resolutions of the board in each case, and, upon the termination of the voting, shall certify that it contains all the challenges made.

SEC. 137. *Minutes of voting.*—After the voting the board of inspectors shall prepare and sign a statement setting forth the time in which the voting commenced and ended, the number of the official ballots received, how many of them were used and how many were left unused, the number of voters who cast their votes, how many were challenged during the voting, how many watchers were present, and how many protests were made by the watchers, and shall attach to the copy of the statement to be delivered to the municipal treasurer the record of the challenges of voters and the list of watchers and the record of their protests.

SEC. 138. *Prohibition of premature announcement of results of voting.*—No member of the board of inspectors shall, before the termination of the voting, make any statement as to how many voted or how many failed to vote or any other fact tending to show or showing the state of the polls, nor shall he make any statement at any time, except as a witness before a court, as to how any person voted.

ARTICLE X.—*Counting of Votes by the Boards of Inspectors*

SEC. 139. *Counting to be public and without interruption.*—As soon as the voting is finished, the board of inspectors shall publicly count the votes cast in the precinct

and ascertain the result. The board shall not adjourn or postpone or delay the count until it shall be fully completed.

SEC. 140. *Excess ballots.*—Before proceeding to count the votes, the board of inspectors shall count the ballots found in the box for valid ballots without unfolding them or exposing their contents, except so far as to ascertain that each ballot is single and shall compare the number of ballots in the box with the number of voters who have voted. If there are excess ballots, they shall be replaced in the box, shall be thoroughly mingled therein and one of the inspectors designated by the board, without seeing the ballots and with his back to the box, shall publicly draw out as many ballots as may be equal to such excess and without unfolding them place them in a package which shall be marked "EXCESS BALLOTS" and which shall be sealed and signed by the members of the board, which package shall be replaced in the box with the other ballots and their contents shall not be read in the counting of votes. If in the course of this examination, any ballots shall be found folded together in such manner that they must have been so folded before they were deposited in the box, they shall be placed in the package for excess ballots hereinbefore mentioned. In case ballots with their detachable numbers be found in the box, such numbers shall be removed and deposited in the box for spoiled ballots; and if ballots with the words "spoiled" be found in the box, such ballots shall likewise be placed in the box for spoiled ballots.

SEC. 141. *Marked ballots.*—The board shall forthwith proceed to unfold the ballots and see whether there are marked ballots and if any such be found, they shall be placed in a package labeled "MARKED BALLOTS" and which shall be sealed and signed by the members of the board and deposited in the box. In no case shall marked ballots be counted, and a majority vote of the board shall be sufficient to determine whether any ballot is marked or not. Non-official ballots which the board may find, except those which have been used as emergency ballots, shall be counted as marked ballots.

SEC. 142. *Box for spoiled ballots.*—The ballots deposited in the red box shall be presumed to be spoiled ballots, whether or not they contain such notation, but if the board of inspectors should find that during the voting any valid ballot has by mistake been placed in the box, or any ballot separated as “excess” or “marked” has been erroneously placed therein and not in the proper package, the board shall open the red box after the voting and before the counting of votes, and only then, for the only purpose of drawing them out, and shall prepare and sign a statement of such fact and lock the box with its three keys immediately thereafter. The valid ballot so withdrawn shall be mixed with the other valid ballots and the excess and marked ballots which may be found shall be placed in the respective packages for such ballots for which purpose such packages shall be opened and again labeled, sealed, signed and kept as hereinbefore provided.

SEC. 143. *Manner of counting votes.*—The counting of votes shall be made in the following manner: The board shall form piles of one hundred ballots each, fully extended, which shall be held together with rubber bands, with cardboards of the size of the ballots to serve as folders. The chairman of the board shall take the ballots of the first pile one by one and read, jointly with the other inspector belonging to the party opposed to his, the names of the persons voted for each office in the order in which they appear thereon, assuming such a position as to enable all, or at least a majority of the watchers, to read such names. The other inspector shall record on the tally sheet, as the names voted for each office are read, the number of votes received by each candidate, each time by means of a vertical line, except every fifth vote of the same candidate which shall be noted with a diagonal line. The poll clerk shall do likewise on the blackboard. After finishing the first pile of ballots, the board shall make partial additions of the votes, which shall be noted on the tally sheet and on the blackboard, and in case of discrepancy such recount as may be necessary shall be made. Thereafter the same procedure shall be followed with the second pile of ballots

and so on successively. After all the votes of the precinct have been counted, the board shall ascertain their total sums which shall be likewise recorded on the tally sheet and on the blackboard; it shall pack each group of ballots and place them in an envelope prepared for such purpose, which shall be closed, sealed, signed, and deposited in the box. The tally sheets on which the votes have been recorded and wherein the partial and total sums have been made shall not be changed nor destroyed and shall be kept in the box with the ballots.

SEC. 144. *Rules for the appreciation of ballots.*—In the reading and appreciation of ballots the following rules shall be observed:

1. Any ballot where only the Christian name of a candidate or only his surname appears is valid for such candidate, if there is no other candidate with the same name or surname for the same office; but when the word written in the ballot is at the same time the Christian name of a candidate and the surname of his opponent, the vote shall be counted in favor of the latter.
2. A name or surname incorrectly written which, when read, has a sound equal or similar to that of the name or real surname of the candidate shall be counted in his favor.
3. When the name of a candidate appears in two spaces of the ballot, it shall be counted in favor of the candidate for the office with respect to which he has filed certificate of candidacy. The vote for the office for which he is not a candidate shall be counted as stray.
4. When in a space of the ballot there appears a name that is erased and another clearly written, the ballot is valid for the latter.
5. Ballots which contain prefixes such as "Sr.," "Mr.," "Don," "Guinoo," "Hon.," "Dr.," "Gob.," or suffixes like "hijo," "Jr.," "Segundo," are valid.
6. The erroneous initial of the name which accompanies the correct surname of a candidate, the erroneous initial of the surname accompanying the correct name of a candidate, and the erroneous intermediate initial between the

correct name and surname of a candidate does not annul the vote in favor of the latter.

7. The fact that there exists a person who is not a candidate with the name or surname of a candidate does not prevent the adjudication of the vote to the latter.

8. Ballots wholly written in Arabic in localities where it is of general use are valid. To read them the board may employ any person who upon oath can do so impartially.

9. The use of nicknames and appellations of affection and friendship, if accompanied by the name or surname of the candidate, does not annul the vote in favor of the latter, except upon conclusive proof that they were used as a means to identify their respective voters.

10. Any ballot written with lead pencil or with ink, wholly or in part, is valid.

11. Where there are two or more candidates voted for an office for which the law authorizes the election of only one person the ballot shall not be counted in favor of any of them, but this shall not affect the validity of the other votes contained therein.

12. The excess of candidates voted for councilor or for offices for which the election of two or more candidates is required does not annul the ballot, but for such offices the ballot shall be counted only in favor of the candidates firstly voted for therein until the authorized number is covered.

13. Any vote in favor of a person who has not filed a certificate of candidacy, or in favor of a candidate for an office for which he did not present himself, shall be invalid and counted as stray vote, but this shall not invalidate the whole ballot.

14. Ballots containing the name of a candidate printed and pasted on a space of the ballot or affixed thereto through any mechanical process are totally null and void.

15. Any ballot containing initials only or which is illegible or which does not sufficiently identify the candidate for whom it is intended shall not be valid, but this shall not invalidate the whole ballot.

16. When there are two or more candidates for an office with the same name or surname, the voter shall, in order

that his vote may be counted, add the correct name, surname or initial that will identify the candidate for whom he votes.

17. Circles, crosses or lines put on the spaces on which the voter has not voted shall be considered as signs to indicate his desistance from voting and shall not invalidate the ballot.

18. Unless it should clearly appear that they have been deliberately put by the voter to serve as identification marks, commas, dots, lines, or hyphens between the name and surname of a candidate, or in another part of the ballot, traces of the letters "t," "j" and other similar ones, the first letters or syllables of names which the voter does not continue, the use of two or more kinds of writing, and unintentional or accidental flourishes, strokes, or stains, shall be considered innocent and shall not invalidate the ballot.

19. The tearing of a ballot accidentally caused does not annul the ballot.

20. Failure to remove the detachable number from the ballot does not annul the latter.

21. Any ballot which clearly appears to have been filled by two distinct persons before it was deposited in the ballot box during the voting is totally null and void.

SEC. 145. *Statement of the count.*—Immediately after the count, the board of inspectors shall make, complete and sign a written statement thereof in quadruplicate. The statement shall show the date of the election, the name of the municipality and the number of the election precinct in which it was held, the total number of ballots found within the box for valid ballots, the total number of ballots withdrawn from the box for spoiled ballots because they were erroneously introduced therein, the total number of excess ballots, the total number of rejected ballots and the number of votes polled by each candidate, writing out the said number in figures, and at the end thereof, the board shall make a certificate signed by all its members present that the contents of the statement are correct. Eve-

ry copy of these statements shall consist of a single sheet of paper and if this is not possible, each sheet thereof shall be signed on its margin by all the inspectors.

SEC. 146. *Proclamation of the result of the election in the polling place.*—Upon the completion of the statements of the election returns in the precinct, the chairman of the board of inspectors shall orally and publicly announce the total number of votes polled in the said election in the said precinct by each one of the candidates, naming them for each one of the offices.

SEC. 147. *Distribution of the statements.*—Immediately after the announcement of the result of the election in the polling place, the board shall place one of the copies of the statement in the box for valid ballots, deliver one to the municipal treasurer, send another copy by registered mail to the provincial treasurer and another, likewise by registered mail, to the Secretary of the Interior. It shall at the same time and in like manner distribute the copies of the statement made after the voting. The municipal treasurer and the postmaster shall have an agent or representative in the polling place to receive the statements of the board therein, and the representative of the provincial commander assigned to receive the keys of the ballot boxes may act for such purpose.

SEC. 148. *Certificate of the number of votes polled by the candidates for an office.*—After the publication of the result of the election and before leaving the polling place, it shall be the duty of the board of inspectors to issue a certificate of the number of the votes received by a candidate, or by the opposing candidates for a national or provincial office, for city councilor, or for mayor or vice-mayor, to the watchers who may request them. All the members of the board shall sign the certificate.

SEC. 149. *Alterations in the statement.*—After the announcement of the result of the election in the polling place, the board of inspectors shall not make any alteration or amendment in any of its statements, unless it be so ordered by a competent court.

SEC. 150. *Delivery of the ballot boxes and election documents to the municipal treasurer.*—(a) Upon the termination of the counting of votes, the board of inspectors shall place in the box for valid ballots the packages of ballots hereinbefore referred to, the unused ballots, the tally sheets, a copy of the statements of the voting and of the count, and the minutes of its proceedings, shall lock the box with its keys and immediately deliver it to the municipal treasurer, and for this purpose, said official shall keep his office open all night on the day of the election, if necessary, and shall provide the necessary facilities therefor at the expense of the municipality. The box for spoiled ballots, likewise locked, shall be delivered in the same manner to the municipal treasurer. The voters' affidavits, the applications for cancellation of registration in the registry list, the four copies of the registry list and the other papers and documents of the board of inspectors shall likewise be delivered at the same time to the municipal treasurer.

SEC. 151. *Duty of the municipal treasurer to require the return of election materials.*—The municipal treasurer shall, on the day after the election, require the members of the board who have failed to send the objects referred to in the preceding section to deliver the same to him immediately.

The municipal treasurer shall acknowledge receipt in detail of the boxes and documents received by him, stating their condition and the date of their delivery.

SEC. 152. *Preservation of the boxes and disposition of their contents.*—The municipal treasurer shall keep the boxes unopened in his possession in a secure place and under his responsibility for three months, unless they are the subject of an official investigation or a competent court shall demand them sooner, or the competent authority shall order their preservation for a longer time in connection with any pending contest or investigation. Upon the lapse of said time and if there should be no order to the contrary, the municipal treasurer shall, in the presence of the mayor and two councilors, open the boxes and burn their contents except the copy of the statements of the voting and

of the counting of votes deposited therein, which he shall take and keep, and except the unused ballots or in blank which, together with the unused election forms which may be in his possession, he shall send to the Director of Printing for future uses, or to be made into scratch pads for use by the National Government or by the provinces or municipalities which may requisition for them, at cost price.

ARTICLE XI.—*Provincial and Municipal Canvasses*

1. ELECTION FOR NATIONAL AND PROVINCIAL OFFICERS

SEC. 153. *Provincial board of canvassers.*—The provincial board of canvassers shall be composed of the provincial governor, the members of the provincial board, the provincial treasurer, the provincial auditor and the provincial fiscal. In Manila and other chartered cities it shall be composed of the mayor, the municipal board and the city fiscal.

SEC. 154. *Incapacity and substitution of provincial canvassers.*—In cases of absence or incapacity for any cause of the members of the provincial board of canvassers, the Secretary of the Interior may appoint as substitutes the superintendent of schools, the district engineer, the district health officer, the register of deeds, the clerk of the Court of First Instance, or the justice of the peace of the capital.

SEC. 155. *Canvass by the provincial board.*—The provincial board of canvassers shall meet as soon as possible within the fifteen days next following the day of the election and the provincial treasurer shall then produce before it the statements of the election returns in the precincts which may have been delivered to him.

As soon as all the statements are before it, the provincial board of canvassers shall proceed to make a canvass of all the votes cast in the province for national and provincial offices, and upon the completion of the canvass, shall make, as the case may be, a statement of all the votes received by each candidate for the offices of President and Vice-President, a statement of all the votes for the office of member of the National Assembly for each legislative district, and a statement of all the votes for provincial officers. Upon the completion of each statement, the board shall

proclaim, in accordance therewith, who has been elected to the National Assembly from each legislative district, and who has been elected for each provincial office. With regard to the election of President and Vice-President, the board shall merely state the number of votes polled by the candidates for said offices and shall forthwith send the corresponding statement to the National Assembly. The candidates may appoint watchers to be present at and take note of all the proceedings of the provincial board of canvassers and of the committees and subcommittees which the latter may appoint.

SEC. 156. *When statements are missing.*—In case some statements are missing, the board shall, by messenger or otherwise, obtain such missing statements, and the fiscal shall forthwith institute criminal proceedings against the person or persons who may be criminally responsible for such delay.

SEC. 157. *Material defects in form of the statements.*—If it should clearly appear that some requisite in form has been omitted in the statements, the board shall return them by messenger or by another more expeditious means, to the corresponding boards of inspectors for correction. Said statements, however, shall not be returned for a recount of the ballots or for any alteration of the number of votes set forth therein.

SEC. 158. *When statements of a precinct are contradictory.*—In case it appears to the provincial board of canvassers that another or other authentic copies of the statement from an election precinct submitted to the board gives to a candidate a different number of votes and the difference affects the result of the election, the court of first instance of the province, upon motion of the board, or of any candidate affected, may proceed to the recount of the votes of the precinct for the only purpose of determining which is the true statement or which is the true result of the count of the votes in said precinct for the office in question. Notice of such proceedings shall be given to all candidates affected.

SEC. 159. *Distribution of the statements.*—The statements of the result of the election for national and provincial offices shall be made in quadruplicate and signed by the members of the provincial board of canvassers present and sealed with the seal of the provincial government. A copy of the statement shall be filed by the provincial treasurer in his office, another sent immediately to the Secretary of the Interior, another to the National Assembly, and another to the candidate elected.

SEC. 160. *Elections resulting in tie.*—Whenever in any election for member of the National Assembly or for provincial or city officials it shall appear from the canvass that two or more candidates have received the same largest number of votes, the corresponding board of canvassers, after recording this fact in the corresponding statement, shall, upon ten days' notice to all the tied candidates so that they may be present if they so desire, hold another public meeting at which it shall proceed to the drawing of lots of the candidates who have tied and shall proclaim as elected that candidate who may be favored by luck, and the candidate so proclaimed shall have the right to assume office in the same manner as if he had been elected by plurality vote. The board shall forthwith make a statement of the procedure followed in the drawing of lots, of its result and of the subsequent proclamation. Certified copies of said statement shall be sent to the National Assembly, to the Department of the Interior, and to each one of the tied candidates.

2. ELECTION FOR MUNICIPAL OFFICES

SEC. 161. *Municipal board of canvassers.*—(a) The municipal council shall constitute the municipal board of canvassers excluding those who were candidates, who shall be replaced by the Secretary of the Interior with voters of the same party.

(b) For the first election in a new municipality, the provincial board shall act as board of canvassers to proclaim the result of the municipal election.

SEC. 162. *Canvass of the election for municipal offices.*—The municipal board of canvassers shall meet immediately after the election. The municipal treasurer shall produce before it the statements of election from the election precincts filed with him, and the board shall count the votes cast for each municipal office and proclaim as elected for said offices those who have polled the largest number of votes and have filed their certificates of candidacy, in the same manner as hereinbefore provided for the provincial board, and to that end it shall have the same powers including that of resorting to the court in the case of contradictory statements. The municipal board of canvassers shall not recount the ballots nor examine any of them, but shall proceed upon the statements presented to it. In case of contradictions or discrepancies between the copies of the same statements, the procedure provided in section one hundred and fifty-seven of this Code shall be followed.

SEC. 163. *Statement of municipal canvass.*—Immediately after the completion of the canvass, the municipal board of canvassers shall make a statement in quadruplicate of the result, which statement shall be signed by the members of the board present; a copy of the same shall be filed with the office of the municipal secretary, one with that of the municipal treasurer, one with that of the provincial treasurer, and one with that of the Secretary of the Interior.

SEC. 164. *Tie.*—In case of tie in any municipal office, lots shall be drawn between the tied candidates in the same meeting of the board of canvassers and under its direction, and the one favored by luck shall be proclaimed elected; this procedure shall be recorded in a statement.

SEC. 165. *Assumption of office.*—Every candidate for a municipal office proclaimed elected by the municipal board of canvassers shall assume office, notwithstanding the pendency in the courts of any contest against his election, without prejudice to the final decision thereof.

ARTICLE XII.—*Election Contests*

SEC. 166.—*Contest for disloyalty of the candidate elected.*—Any elector may contest the election of a provincial or

municipal officer elect on the ground of disloyalty to the Commonwealth. The contest shall be filed with the Solicitor General within the week following the proclamation of the election of the contestee. The contest shall be investigated by the Solicitor General immediately, giving ample opportunity to the parties to present their evidence and shall submit a report of the result, accompanied with the evidence submitted to him, to the President, who shall decide the case as soon as possible, and his decision shall be final. Should the President decide that the contest is well founded, he shall not confirm the election of the official elect and shall declare the office vacant.

SEC. 167. *Procedure against an ineligible person.*—When a person who is not eligible is elected to a provincial or municipal office, his right to the office may be contested by any registered candidate for the same office before the Court of First Instance of the province within one week after the proclamation of his election, by filing a petition for *quo warranto*. The case shall be conducted in accordance with the usual procedure and shall be decided within thirty days from the filing of the complaint.

SEC. 168. *Contested elections for provincial and municipal offices.*—A contest against the election of a provincial or municipal officer elect shall be filed with the Court of First Instance of the province by any candidate voted for in said election and who has presented a certificate of candidacy, within two weeks after the proclamation of the result of the election. Each contest shall refer exclusively to one office except contests for the offices of vice-mayor and councilor which may be consolidated in a single case.

SEC. 169. *Judicial counting of votes in contested elections.*—Upon the petition of any interested party, or *motu proprio*, if the interests of justice so require, the court shall immediately order that the copies of the registry lists, the ballot boxes, the election statements, the voters' affidavits, and the other documents used in the election be produced before it and that the ballots be examined and the votes recounted, and for such purpose it may appoint such officers

as it may deem necessary and shall fix their compensation at not less than five pesos nor more than fifteen pesos for each of them for each election precinct which they may completely revise and report upon.

SEC. 170. *Procedure.*—(a) Notice of the contest against the election of a candidate shall be served upon him by means of a summons at the post-office address stated in his certificate of candidacy, except when the contestee, without waiting for the summons, has made the court understand that he has been notified of the contest, or has filed his answer thereto.

(b) The contestee shall answer the contest within five days after being summoned, or in case there has been no summons, from the date of his appearance, and in all cases, before the commencement of the hearing of the contest. The answer shall deal only with the election in the precincts which are covered by the allegations of the contest.

(c) Should the contestee desire to impugn the votes received by the contestant in other precincts, he shall file a counter contest within the same period fixed for the answer, serving a copy thereof upon the contestant by registered mail or by personal delivery or through the sheriff.

(d) The contestant shall answer the counter contest within three days after notice.

(e) If no answer shall be filed to the contest or to the counter contest within the time limits respectively fixed, a general denial shall be deemed to have been entered.

(f) In election contest proceedings, the registry list as finally corrected by the board of inspectors, shall be conclusive in regard to the question as to who had the right to vote in said election.

(g) The other defeated candidates voted for may, within the time limit prescribed for the filing of the contest, intervene in the case as other contestants and ask for affirmative relief in their favor, by a petition in intervention, which shall be considered as another contest, except that it shall be substantiated within the same proceedings. Their intervention in any other manner shall not be allowed.

SEC. 171. *Decision of the contest.*—The court shall decide the contest within six months after it is presented in case of a municipal office, and within one year in case of a provincial office, and shall declare which among the parties has been elected, or in the proper case that none of them has been legally elected. The party who in the judgment has been declared elected shall have the right to assume office as soon as the judgment becomes final.

SEC. 172. *Appeal from the decision in election contests.*—From any final decision rendered by the Court of First Instance in contests against the eligibility or the election of provincial governors, members of the provincial board, city councilors, and mayors, the aggrieved party may appeal to the Court of Appeals or to the Supreme Court, as the case may be, within the period of five days after being notified of the decision, for its revision, correction, annulment, or confirmation, and the appeal shall be conducted as if it were in a criminal case. Such appeal shall be decided within three months after the filing of the case in the office of the clerk of the court to which the appeal has been taken.

SEC. 173. *Preferential disposition of contests.*—The court of first instance and the appellate courts, in the respective cases, shall give preference to election contests over all other cases except those of *habeas corpus* and shall hear and decide them without delay, within the time limits fixed by law, whether they are holding regular sessions or not.

SEC. 174. *Bond or cash deposit.*—Before the court shall take cognizance of a contest or a countercontest or admit an appeal, the party who has filed the pleading or interposed the appeal shall file a bond with two sureties satisfactory to the court and for such amount as it may fix to answer for the payment of all expenses and costs incidental to said motion or appeal, or shall deposit with the court cash in lieu of the bond, or both as the court may order. The court in which the contest is pending shall for good reasons order from time to time that the amount of the bond or cash deposit be increased or decreased, or order the disposition of such deposit as the course of the contest

may require. In case the party who has paid the expenses and costs wins, the court shall assess, levy and collect the same as costs from the losing party.

SEC. 175. *Notice to the Secretary of the Interior.*—The clerk of the court wherein an election contest has been instituted and that of the court to which an appeal in said proceedings has been taken shall give to the Secretary of the Interior immediate notice thereof as well as of its final disposition. If the decision be that none of the parties has been legally elected, he shall certify such decision to the Secretary of the Interior in the case of a provincial office, and in the case of municipal office to the Secretary of the Interior and to the provincial board.

SEC. 176. *Contests before the Electoral Commission.*—In contests under its jurisdiction, the Electoral Commission shall have and exercise the same powers which the law confers upon the courts including that of summarily punishing contempts, ordering the taking of depositions, the arrest of witnesses for the purpose of compelling their appearance and the production of documents and other evidence, the compulsory payment of costs and expenses which it may have assessed against the parties and their bondsmen, of giving notices of its decisions, resolutions, and orders, and enforcing them through the officials charged with the enforcement of judicial orders, and of making the necessary rules for the effective performance of its constitutional functions. All the expenses of the Electoral Commission and of its members shall be paid from the funds of the National Assembly and its telegrams and correspondence shall be transmitted free of charge.

ARTICLE XIII.—*Penal Provisions*

SEC. 177. *Election offenses and their classification.*—Malicious violation of any of the provisions of sections eleven, twelve, twenty-four, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-nine, fifty, sixty-four, seventy-four, seventy-seven, seventy-eight, seventy-nine, eighty-seven, eighty-eight, ninety-two, ninety-three, ninety-

four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and two, one hundred and three, one hundred and four, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-seven, one hundred and twenty-eight, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-three, one hundred and thirty-four, one hundred and thirty-seven, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty, one hundred and forty-one, one hundred and forty-two, one hundred and forty-three, one hundred and forty-four, one hundred and forty-five, one hundred and forty-six, one hundred and forty-seven, one hundred and forty-eight, one hundred and forty-nine, one hundred and fifty, one hundred and fifty-one, one hundred and fifty-two, one hundred and fifty-five, one hundred and fifty-six, one hundred and fifty-nine, one hundred and sixty, one hundred and sixty-two, one hundred and sixty-three, and one hundred and sixty-four shall be a serious election offense; and that of any of the provisions of sections seventeen, eighteen, thirty-one, forty-six, forty-seven, forty-eight, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-five, sixty-six, sixty-eight, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, eighty, eighty-two, eighty-six, ninety-one, one hundred and six, one hundred and seven, one hundred and eight, one hundred and nine, one hundred and twelve, one hundred and eighteen, one hundred and nineteen, one hundred and twenty-one, one hundred and twenty-two, one hundred and thirty-six, and one hundred and seventy-five shall be less serious.

SEC. 178. *Persons criminally responsible.*—The principals, accomplices, and accessories shall be criminally responsible for election offenses and for any attempt to commit the same. If the one responsible be an entity, its president or chief, the officials and employees of the same performing duties connected with the offense committed, and its members who may be principals, accomplices, or acces-

sories, shall be responsible, in addition to the responsibility of such entity.

SEC. 179. *Penalties.*—Any one found guilty of a serious election offense shall be punished with imprisonment of not less than one year and one day nor more than five years, and any one guilty of a less serious election offense, with imprisonment of not less than one month nor more than one year. In both cases the guilty party shall be further sentenced to suffer disqualification to hold a public office and deprivation of the right of suffrage for not less than one year nor more than nine years, and to pay the costs, and if he were a foreigner, he shall be at the same time sentenced to deportation for not less than three years nor more than nine years, which shall be enforced after the prison term has been served. If the guilty party be an entity, the penalty shall be a fine of not less than one thousand and five hundred pesos nor more than one hundred thousand pesos, which shall be imposed upon such entity after a criminal action has been instituted against the same in which its legal representative shall be summoned by means of notice or by publication.

SEC. 180. *Common crimes.*—Acts and omissions relative to elections not punishable under this Code which constitute common crimes shall be punished as provided in the penal laws applicable thereto.

SEC. 181. *Jurisdiction of Courts of First Instance.*—The Courts of First Instance shall have exclusive original jurisdiction to make preliminary investigations, issue warrants of arrest and try and decide any criminal action or proceeding for violation of this Code. From their decisions an appeal shall lie as in other criminal cases.

SEC. 182. *Prescription.*—Election offenses shall prescribe after two years from the date of their commission, but if the discovery of such offenses be made in election contest proceedings, the period of prescription shall commence on the date on which the judgment in such proceedings becomes final.

ARTICLE XIV.—*Final Provisions*

SEC. 183. *Forms*.—The forms appearing in the attached appendix may be used, and shall be sufficient for the observance of the provisions of this code.

SEC. 184. *Repeal of laws*.—Sections one hundred and three, three hundred and ninety-two to four hundred and eighty-three, two thousand seventy-four to two thousand seventy-six, two thousand one hundred and sixty-three, two thousand one hundred and seventy-two, two thousand one hundred and seventy-three, two thousand one hundred and seventy-seven, two thousand one hundred and eighty, the second paragraph of two thousand four hundred and forty, two thousand five hundred and forty-nine and two thousand six hundred and thirty-six to two thousand six hundred and sixty and one-half of the Administrative Code, as amended, and all other laws and parts of laws which may be in conflict with the provisions of the present Code, are repealed.

SEC. 185. *Pending actions*.—Pending actions and causes of action which arose before this Code becomes effective shall be governed by the previous laws.

SEC. 186. *Effectiveness of this Code*.—This Code shall take effect upon its approval, except the prohibition relative to gratuitous transportation and food as provided in section forty-five, which shall not be enforced on the day of the voting during the elections which may be held before the year nineteen hundred and thirty-nine.

Approved, August 22, 1938.

ELECTION CODE

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CERTIFICATE OF CANDIDACY

THE UNDERSIGNED, hereby
states that he announces his candidacy for the office of
..... in the coming election; that he is a resident of
.....; that he is eligible for the afore-
mentioned office, that he belongs to the
Party (or belongs to none), and that his address, for all election
purposes, is

IN WITNESS WHEREOF, I hereby sign these presents at
..... on the day of, 19.....

.....
(Signature of candidate)

Subscribed and sworn to before me this day of
....., 19.....

.....
(Officer authorized to administer oaths)

(See sections 26 to 32, Election Code.)

ELECTION FORM No. 1

APPOINTMENT OF MEMBER OF BOARD OF INSPECTORS

I HEREBY CERTIFY that
has been appointed (Inspector, poll clerk, or substitute) of Precinct
No. of this municipality, and has taken his oath of
office as required by law.

IN WITNESS WHEREOF, I hereby sign these presents at
..... this day of, 19.....

.....
Presiding Officer of the Municipal Council or Board

(See sections 69 and 81, Election Code.)

ELECTION FORM No. 2

Precinct No.
(Municipality, province)

.....
(Date)

TEMPORARY APPOINTMENT OF MEMBERS OF BOARD OF INSPECTORS

WE HEREBY CERTIFY that, at the time of the meeting of the board of inspectors, Inspector (or Poll Clerk) Mr.
..... was absent (or the position was vacant),
and the substitute of the same could not be located, for which reason,
on the recommendation of the representative of the party of the absent member (or, in default thereof, of the watchers belonging to said party who were present), we have appointed
..... to fill said vacancy temporarily until the absent member appears or the vacancy is filled.

.....
(Inspector)

.....
(Inspector)

(See section 83, Election Code.)
ELECTION FORM No. 3

PRECINCT No.,
(Municipality and province)

.....
(Date)

TEMPORARY APPOINTMENT OF THE BOARD OF INSPECTORS BY ELECTORS OF THE PRECINCT

THE UNDERSIGNED ELECTORS OF THIS PRECINCT, numbering not less than ten, hereby certify that at the time the board of inspectors should meet, not one of its members appeared (or all positions of inspectors and of poll clerk are vacant), for which reason we have designated the electors of this precinct Messrs. (1)
(2) and (3)
temporary inspectors, and Mr.
poll clerk, until such time as the absent members appear or the vacancies are filled.

1.	6.
2.	7.
3.	8.
4.	9.
5.	10.

(Electors of precinct)

(See section 85, Election Code.)

ELECTION FORM No. 4

OATH OF INSPECTOR OR POLL CLERK

I, do solemnly swear
(or affirm) that I will well and faithfully perform the duties
of in Precinct
(Inspector or poll clerk, permanent, substitute or temporary)

No. of this municipality, to the best of my knowl-
edge and ability, without prejudice in favor of or against
any person, candidate, party, society or religious sect; that I
will uphold and defend the Constitution of the Philippines;
that I recognize and accept the supreme authority of the
United States of America in the Philippines, and will main-
tain true faith and allegiance thereto, and that I take this
oath freely, without mental reservation and without any
purpose of evasion whatsoever. SO HELP ME GOD. (In
case of affirmation, the last four words should be stricken
out.)

....., 19.....
(Municipality and province)

.....
(Signature)

Subscribed and sworn to before me this day of
....., 19.....

.....
(Officer administering oath)

(See section 86, Election Code)

ELECTION FORM No. 5

..... PARTY

APPOINTMENT OF WATCHER

BE IT HEREBY KNOWN that Mr.
of has been appointed by the
undersigned candidate as his watcher in Election Precinct No.
..... of the municipality or city of
Province of

(Place and date)

(Signed)

Candidate for

(State position)

(See section 88, Election Code)

ELECTION FORM No. 6

APPLICATION FOR CANCELLATION OF
REGISTRATION OF VOTER

(Date)

The Board of Inspectors, Precinct No.

.....
(Municipality)

.....
(Province)

Pursuant to the Election Code, I hereby request that my registration as a voter in this precinct be cancelled.

(Voter's signature)

Identified by

.....
(Member, Board of Inspectors, or
Voter of Precinct)

(In quadruplicate. See section 99, Election Code.)

.....
(Municipality)

.....
(Province)

....., 19.....
(Date)

ELECTION FORM No. 7.

To the MUNICIPAL TREASURER

.....
(Municipality)

.....
(Province)

Pursuant to the Election Code, I have the honor to request that my registration as elector in Precinct No. of that municipality be cancelled, for the reason that I have transferred my residence to street, No., of the municipality of, province of, since

.....
(Day, month, year)

.....
(Signature)

Subscribed and sworn to before me this day of, 19.....

.....
(Officer administering oath)

(In quadruplicate. See section 102, Election Code.)

ELECTION FORM No. 7-A.

CARD No. issued to

.....
who on presentation hereof may register/vote on
this date.

.....
(Place and Date)

.....
Member, board of inspectors,
Precinct No.

(See sections 103 and 125, Election Code).

ELECTION FORM No. 8

Precinct No.,
(Municipality and province)

.....
(Date)

VOTER'S AFFIDAVIT

1. Name and surname
2. Place of birth
3. Age
4. Civil status (if married, give name of spouse)
5. Profession, occupation or trade.....
6. Place of residence

THE UNDERSIGNED states, under oath, that the data above set forth regarding his person are true; that he has the qualifications required of a voter and none of the disqualifications for voting.

.....
(Voter's signature)

IDENTIFIED BY

Finger mark

.....
(Voter registered in precinct)

Right hand thumb

Subscribed and sworn to before me this day of
....., 19..... The voter, not being known to the members of the board and there being no voter of the precinct present to identify him, exhibited for his identification his birth or baptismal certificate or an identification card issued by the municipal treasurer. This voter is registered in the registry list.

.....
(Member, Board of Inspectors)

(See sections 104 and 105, Election Code.)

ELECTION FORM No. 9

IDENTIFICATION CARD

THIS IS TO CERTIFY that
married to (or single
or widower) a native of
..... years of age on this date and
by occupation and residing on street,
No. or in barrio of this municipality,
is the same party signing with me and has placed his finger mark
on this card.

(Finger mark)

(Place and date)

.....
Signature of party identified.....
Municipal Treasurer

(See section 105, Election Code.)

ELECTION FORM No. 10

OF
PRECINCT No.
OF

City or municipality and province
[CORRESPONDING LETTER OF THE ALPHABET]

[illegible]

(See section 107, Election Code.)

FORM No. 11.

COMMONWEALTH OF THE PHILIPPINES

OFFICIAL MAIL

I HEREBY CERTIFY that this envelope contains public documents related to elections, which are received in the post office as REGISTERED RUSH official mail, postage charges free.

To

(Place and date)

(Signature)

.....
(Sender's official title)

ELECTION FORM No. 12

(See section 20, Election Law.)

CERTIFICATE OF CHALLENGE AND RESOLUTION OF THE BOARD ON THE REGISTRATION OF A VOTER.

PRECINCT No. _____, _____, _____
(Municipality) (Province)

(Date)

IT IS HEREBY MADE OF RECORD that on _____ of _____
 _____ of 19____, Mr. _____
(Voter, candidate, watcher)
 challenged the right of _____
(Name of challenged party)
 to register on the ground of _____
(State reason for challenge)

The Board, after examining the challenged party as regards his qualifications as a voter and considering the evidence presented to it, resolved on _____ of _____, 19____ to accept/reject the challenge presented.

IN WITNESS WHEREOF, we hereby sign these presents at the place and on the date above mentioned.

_____ Chairman, Board of Inspectors	_____ Inspector
_____ Inspector	_____ Poll clerk

(See section 110, Election Code.)

ELECTION FORM No. 13

SUBPŒNA

PRECINCT No: _____, _____, _____
(Municipality) (Province)

(Date)

THE COMMONWEALTH OF THE PHILIPPINES to _____

GREETING:

We command you and each of you that, without excuse or pretext, you appear before the Board of Election Inspectors of this precinct on the _____ day of _____, 19____ at _____ in _____ to testify as to the qualifications of _____
(State polling place)

_____ who desires to register as _____
(State name)
a voter. For failure to appear you will be deemed guilty of contempt and punished by the proper court.

Chairman, Board of Inspectors

The undersigned, _____, being _____
(Name)

duly sworn, deposes and says that he personally served the foregoing subpoena upon the persons hereinafter mentioned at the places set opposite their respective names by delivering to each of them a copy thereof.

Date of Service

Name

Place

Date of Service	Name	Place
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Signed) _____

Name of affiant

Sworn to before me this _____ day of _____, 19____

(Signature)

(Title of officer administering oath)

(See section 111, Election Code.)

ELECTION FORM No. 14

BALLOT No.

(Perforated line)



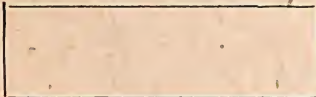
OFFICIAL BALLOT

TAAL, BATANGAS, NOVEMBER 8, 1938

Fill out this ballot secretly inside the booth. Do not write anything nor make any mark thereon but the name of the candidate you vote for. Any violation of this instruction will invalidate your vote.

ASSEMBLYMAN

(Perforated line)



(Elector's finger mark)

No.

(See sections 3(b) and 119, Election Code.)

ELECTION FORM No. 15

BALLOT No.

(Perforated line)



OFFICIAL BALLOT

TAAL, BATANGAS, DECEMBER 10, 1940

Fill out this ballot secretly inside the booth. Do not write anything nor make any mark thereon but the names of the candidates you vote for. Any violation of this instruction will invalidate your vote.

PROVINCIAL GOVERNOR

MEMBERS OF THE PROVINCIAL BOARD:

1

2

MAYOR

VICE-MAYOR

COUNCILORS:

1

2

3

4

5

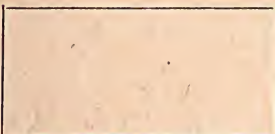
6

7

8

(Perforated line)

No.



(Elector's finger mark)

(See sections 4 and 119, Election Code.)

ELECTION FORM No. 15 A

BALLOT No.

(Perforated line)



OFFICIAL BALLOT

TAAL, BATANGAS, NOVEMBER 11, 1941

Fill out this ballot secretly inside the booth. Do not write anything nor make any mark thereon but the names of the candidates you vote for. Any violation of this instruction will invalidate your vote.

PRESIDENT

VICE-PRESIDENT

ASSEMBLYMAN

(Perforated line)



(Elector's finger mark)

No.

(See sections 3(a) and 119, Election Code.)

ELECTION FORM No. 15 B

LIST OF BELATED VOTERS

PRECINCT No. _____, _____ (Municipality), _____ (Province)

(Date)

List of qualified electors who, at 7/6 p. m. to-day, have not yet been able to register/vote, but who were present within 30 meters in front of the polling place and who will be admitted upon presentation of the card given them for this purpose.

[illegible]

Chairman

Inspector

Inspector

Poll Clerk

(See sections 103 and 125, Election Code.)

ELECTION FORM No. 16

OATH OF IDENTIFICATION OF CHALLENGED VOTER

THE UNDERSIGNED, a registered voter in this precinct, solemnly swears that the voter registered under the name of is the same person who now presents himself to vote under said name.

.....
(Signature)

Subscribed and sworn to before me this day of
....., 19.....

.....
Chairman, Board of Inspectors
Precinct No. of

(Do not seal this in the ballot box. Deliver this to the municipal treasurer. See section 133, Election Law.)

ELECTION FORM No. 17

OATH OF VOTER CHALLENGED FOR
CORRUPT PRACTICE

I, _____, do solemnly swear
(or affirm) that I have not received nor expect to receive, have not
paid, offered or promised to pay, nor have I contributed, nor offered
nor promised to contribute money or other valuable object for my vote
or for the vote of another; that I have not made nor received any
promise to influence the giving or withholding of any vote; and that
I have not made, and that I am not directly or indirectly interested
in any bet or wager depending upon the result of this election.

(Signature)

Subscribed and sworn to before me this _____ day of _____
_____, 19_____

Member, Board of Election Inspectors
Precinct No. _____ of _____

(See section 134, Election Code.)

ELECTION FORM No. 18

MINUTES OF VOTING

PRECINCT No. _____, _____, _____
(Municipality) (Province)

Date _____

1. CASTING OF VOTES

Time of beginning _____
Time of finishing _____

2. BALLOTS

Total number of official ballots received _____
How many of these were used _____
How many were not used _____

3. VOTERS

Total number of voters who voted _____
How many voters were challenged _____
How many of these were rejected _____

4. WATCHERS

How many watchers were present _____
How many watchers' protests were presented _____

WE HEREBY CERTIFY, under our official oath, that the data set forth above are true and correct. The record of the challenges of voters and of the watchers and their protests is attached to the original hereof to be sent to the municipal treasurer.

Chairman

Poll Clerk

Inspector

Secretary

(See sections 137 and 146, Election Code. To be prepared in quadruplicate.)

ELECTION FORM No. 21

(Province)

Office of

Total

(Signature)

Election Inspector

(See section 143, Election Code.)

ELECTION FORM No. 22

ELECTION RETURN

PRECINCT No. _____, _____, _____
(Municipality) (Province)

Date _____

1. Total number of ballots found in box of valid ballots _____
2. Total number of valid ballots withdrawn from box of spoiled ballots, for having been mistakenly placed therein _____
3. Total number of excess ballots _____
4. Total number of rejected ballots _____
5. Votes obtained by candidates:

OFFICE OF _____

Name of Candidate
(Alphabetically written by surnames)

Votes obtained
(In figures)

WE HEREBY CERTIFY, under our official oath, that the above data are true and correct.

Chairman

Inspector

Inspector

Poll Clerk

(See sections 146 and 148, Election Code. To be prepared in quadruplicate.)

ELECTION FORM No. 23

CERTIFICATE OF VOTES OF CANDIDATES

WE HEREBY CERTIFY, that the candidate or opposing candidates mentioned below have obtained in this precinct the votes set opposite their respective names:

Office of

.....	..... votes
.....	..... votes
.....	..... votes
.....	..... votes

IN WITNESS WHEREOF, we sign these presents at Precinct No.
of, this day of, 19.....

.....
Chairman	Inspector
.....
Inspector	Poll Clerk

(See sections 146 and 148, Election Code.)

ELECTION FORM No. 24

PRECINCT No. 10
Taal, Batangas

ENVELOPE FOR KEYS TO THE
BALLOT BOXES

Chairman

Inspector

Inspector

Poll clerk

ELECTION FORM No. 25

(See section 64, Election Code.)

CERTIFICATE OF CANVASS BY THE PROVINCIAL BOARD OF CANVASSERS OF RETRUNS OF VOTES FOR PRESIDENT AND VICE-PRESIDENT

WE, the undersigned, constituting the Provincial Board of Canvassers, do hereby certify that we have made the canvass of all the votes cast in the province for the offices of President and Vice-President, and that the result thereof is as follows:

FOR THE OFFICE OF PRESIDENT

Name of candidate	Votes received
1
2
3

FOR THE OFFICE OF VICE-PRESIDENT

1 .....	.....
2 .....	.....
3 .....	.....

We further certify that the attached statement of votes shows the number of votes polled by each candidate in this province by municipalities.

IN WITNESS WHEREOF, we sign these presents in the capital of this province this day of, 19.....

.....
Provincial Governor

.....
Member

.....
Member

.....
Provincial Treasurer

.....
Provincial Auditor

.....
Provincial Fiscal

(See section 155, Election Code.)

ELECTION FORM No. 26

CERTIFICATE OF CANVASS OF PROVINCIAL BOARD OF CANVASSERS OF RETURNS OF VOTES FOR MEMBERS OF THE NATIONAL ASSEMBLY

WE, THE UNDERSIGNED, constituting the provincial board of canvassers, do hereby, under our official oaths, certify that we have duly canvassed the statements and returns of the result of the election held in the Province of on the day of, 19....., and that attached hereto and forming part hereof is a true statement by municipalities of all the votes cast thereat for each candidate for the office of Member of the National Assembly in each district of the province.

That after such canvass it appears that received votes for the office of Member of the National Assembly from District of said province, the same being a plurality of the votes legally cast.

That after such canvass it appears that received votes for the office of Member of the National Assembly from District of said province, the same being a plurality of the votes legally cast.

That after such canvass it appears that received votes for the office of Member of the National Assembly from District of said province, the same being a plurality of the votes legally cast.

IN WITNESS WHEREOF we have hereunto set our hands this day, 19.....

.....
Provincial Governor

.....
Provincial Treasurer

.....
Member

.....
Provincial Auditor

.....
Member

.....
Provincial Fiscal

(See section 155, Election Code.)

ELECTION FORM No. 27.

CERTIFICATE OF CANVASS BY PROVINCIAL BOARD
OF CANVASSERS OF RETURNS OF VOTES
FOR PROVINCIAL OFFICERS

We, the undersigned, constituting the provincial board of canvassers, do hereby, under our official oaths, certify that we have duly canvassed the statements and returns of the result of the election held in the Province of on the day of, 19....., and that attached hereto and forming part hereof is a true statement by municipalities of all the votes cast thereat for each candidate for Provincial Governor and also a statement by municipalities of all the votes cast thereat for Members of the Provincial Board.

That after such canvass it appears that received votes for the office of Provincial Governor, the same being a plurality of the votes legally cast.

That after such canvass it appears that received votes for the office of member of the Provincial Board, the same being a plurality of the votes legally cast.

That after such canvass it appears that received votes for the office of member of the Provincial Board, the same being a plurality of the votes legally cast.

IN WITNESS WHEREOF we have hereunto set our hands this day of, 19.....

.....
Provincial Governor

.....
Member

.....
Member

.....
Provincial Treasurer

.....
Provincial Auditor

.....
Provincial Fiscal

(See section 155, Election Code.)

ELECTION FORM No. 28

CERTIFICATE OF CANVASS BY THE MUNICIPAL BOARD OF CANVASSERS OF THE VOTES CAST FOR MUNICIPAL OFFICES

WE, THE UNDERSIGNED, constituted as the Municipal Board of Canvassers of the municipality of _____, province of _____, under our official oaths, do hereby certify that we have duly canvassed the election returns of the election held in the aforesaid municipality on the _____ day of _____, 19_____.

That after such canvass, it appears that _____ received _____ votes for the office of Mayor of the said municipality, the same being a plurality of the votes legally cast for said office according to the said returns.

That after such canvass, it appears that _____ received _____ votes for the office of Vice-Mayor of the aforesaid municipality, the same being a plurality of the votes legally cast for said office according to the said returns.

That the number of councilors which should be elected in the aforesaid municipality and in the same election is _____ and that

_____ and _____ and
 _____ and _____ and
 _____ and _____ and
 _____ and _____

received respectively the largest number of votes for said office in the order stated above.

That there is attached hereto and forming part of the same a true list by election precincts of all the votes cast in said election for each candidate for each office to be filled in the said election.

23828-7

IN WITNESS WHEREOF, we have hereunto affixed our signatures
this day of, 19.....

..... Mayor	..... Vice-Mayor
..... Councilor	..... Councilor
..... Councilor	..... Councilor
..... Councilor	..... Councilor
..... Councilor	..... Councilor

(See Section 163, Election Code)
ELECTION FORM No. 29.



[No. 4138]

AN ACT TO AMEND PARAGRAPH TWENTY-ONE OF SECTION ONE HUNDRED AND TWENTY-THREE OF THE ADMINISTRATIVE CODE, CHANGING CERTAIN MUNICIPALITIES OF THE THIRD AND FOURTH DISTRICTS OF THE PROVINCE OF PAN-GASINAN.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Paragraph twenty-one of section one hundred and twenty-three of the Administrative Code is hereby amended to read as follows:

"Pangasinan: First district—Composed of the municipalities of Agno, Aguilar, Alaminos, Anda, Balincaguin, Bani, Bolinao, Bugallon, Burgos, Dasol, Infanta, Labrador, Lingayen, Salasa, and Sual. Second district—Composed of the municipalities of Binmaley, Dagupan, Mangatarem, San Carlos, and Urbiztondo. Third district—Composed of the municipalities of Bayambang, Calasiao, Malasiqui, Mangaldan, Mapandan, San Fabian, Santa Barbara, and San Jacinto. Fourth district—Composed of the municipalities of Alcala, Bautista, Binalonan, Manaoag, Pozorrubio, Sison, Santo Tomas, Urdaneta, and Villasis. Fifth district—Composed of the municipalities of Asingan, Balongao, Natividad, Rosales, San Manuel, San Nicolas, San Quintin, Santa Maria, Tayug, and Umingan."

SEC. 2. This Act shall take effect on its approval.

Approved, November 23, 1934.

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○

[COMMONWEALTH ACT No. 3]

AN ACT TO AMEND CERTAIN PROVISIONS OF THE REVISED ADMINISTRATIVE CODE ON THE JUDICIARY, BY REDUCING THE NUMBER OF JUSTICES OF THE SUPREME COURT AND CREATING THE COURT OF APPEALS AND DEFINING THEIR RESPECTIVE JURISDICTIONS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Sections one hundred and twenty-six, one hundred and thirty, and one hundred and thirty-two of the Revised Administrative Code are hereby amended to read as follows:

"SEC. 126. *The various Courts.*—The Courts referred to in this chapter are the Supreme Court, the Court of Appeals, and the Courts of First Instance.

"SEC. 130. *Disposition of moneys paid into Court.*—All moneys accruing to the Government in the Supreme Court, in the Court of Appeals, and in the Courts of First Instance, including fees, fines, forfeitures, costs, or other miscellaneous receipts, and all trust or depository funds paid into such Courts shall be received by the corresponding clerks of Court and, in the absence of special provision, shall be paid by him into the Philippine Treasury to the credit of the proper account or fund and under such regulations as shall be prescribed by the Auditor General: *Provided*, That forty per centum of the fines collected under sections two thousand seven hundred and fifty-one and two thousand seven hundred and fifty-two of this Code, shall accrue to

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the school funds of the municipality in which the offense is committed, and ten per *centum* shall accrue to the school funds of the respective provinces.

"A clerk shall not receive money belonging to private parties except where the same is paid to him or into court by authority of law.

"SEC. 132. *Annual report of clerks of courts.*—The clerk of the Supreme Court, the clerk of the Court of Appeals, and all clerks of Courts of First Instance shall make annual reports to the Secretary of Justice, of such scope and in such form as shall be by the latter prescribed, concerning the business done in their respective Courts during the year."

SEC. 2. Sections one hundred and thirty-three, one hundred and thirty-four, and one hundred and thirty-eight of the Revised Administrative Code are hereby amended to read as follows:

"SEC. 133. *The Supreme Court; quorum of the Court; designation of Judges of the Court of Appeals to sit in Supreme Court; number of Justices necessary to reach a decision.*—The Supreme Court of the Philippines shall consist of a Chief Justice and six Associate Justices, which shall sit *in banc* in the hearing and determination of all cases within its jurisdiction. The presence of six Justices shall be necessary to constitute a quorum, except when the judgment of the lower court imposes the death penalty, in which case the presence of all Justices shall be necessary to constitute quorum. In the absence of a quorum, the Court shall stand *ipso facto* adjourned until such time as the requisite number shall be present, and a memorandum showing this fact shall be inserted by the clerk in the minutes of the Court.

"If on account of illness, absence, or incapacity upon any of the grounds mentioned in section eight of Act Numbered One hundred and ninety, of any of the Justices of the Court, or, whenever, by reason of temporary disability of any Justice thereof or of vacancies, occurring therein, the requisite number of Justices necessary to constitute a quorum

or to render a judgment in any given case, as heretofore provided, is not present, the President of the Philippines, upon the recommendation of the Chief Justice, may designate such number of Judges of the Court of Appeals, as may be necessary, to sit temporarily as Justices of said Court, in order to form a quorum, or until a judgment in said case is reached: *Provided, however*, That no Judge of the Court of Appeals may be designated to act in any case in the decision of which he has taken part.

"The concurrence of at least four Justices of the Court shall be necessary for the pronouncement of a judgment. However, for the purpose of declaring a law or a treaty unconstitutional, at least five Justices must concur. When the necessary majority, as herein provided, to declare a law or a treaty unconstitutional cannot be had, the Court shall so declare, and in such case the validity or constitutionality of the act or treaty involved shall be deemed upheld.

"Whenever the judgment of the lower court imposes the death penalty, the case shall be heard and determined by all the Justices of the Court, and the unanimous decision of all of such Justices shall be necessary for the pronouncement of a judgment imposing the death penalty. When the Court fails to reach a unanimous decision as herein provided, the penalty next lower in degree than the death penalty shall be imposed.

"SEC. 133-A. *Place of holding sessions*.—The Supreme Court shall hold its sessions in the City of Manila.

"SEC. 134. *Appointment of Justices of the Supreme Court*.—The Chief Justice and the Associate Justices of the Supreme Court shall be appointed by the President of the Philippines, with the consent of the Commission on Appointments of the National Assembly. The Chief Justice of the Supreme Court shall be so designated in his commission; and the Associate Justices shall have precedence according to the dates of their respective commissions, or, when the commissions of two or more of

them bear the same date, according to the order in which their commissions may have been issued by the President of the Philippines.

"SEC. 134—A. *Vacancy in office of Chief Justice.*—In case of a vacancy in the office of Chief Justice of the Supreme Court, or of his inability to perform the duties and powers of his office, they shall devolve upon the Associate Justice who is first in precedence, until such disability is removed, or another Chief Justice is appointed and duly qualified. This provision shall apply to every Associate Justice who succeeds to the office of Chief Justice.

"SEC. 138. *Jurisdiction of the Supreme Court.*—The Supreme Court shall have such original jurisdiction as may be possessed and exercised by the Supreme Court of the Philippines at the time of the approval of this Act, including cases affecting ambassadors, other public ministers, and consuls.

"The Supreme Court shall have exclusive jurisdiction to review, revise, reverse, modify or affirm, on appeal, certiorari or writ of error, as the law or rules of court may provide, final judgments and decrees of inferior courts as herein provided, in—

"(1) All cases in which the constitutionality or validity of any treaty, law, ordinance, or executive order or regulation is in question;

"(2) All cases involving the legality of any tax, impost, assessment or toll, or any penalty imposed in relation thereto;

"(3) All cases in which the jurisdiction of any inferior court is in issue;

"(4) All criminal cases in which the penalty imposed is death or life imprisonment;

"(5) All civil cases in which the value in controversy exceeds twenty-five thousand pesos, or in which the title or possession of real estate exceeding in value the sum of twenty-five thousand pesos, to be ascertained by the oath of a party to the cause or by other competent evidence, is involved or brought in question;

“(6) All other cases in which only errors or questions of law are involved.”

SEC. 3. Chapter nine, Title IV of the Revised Administrative Code is hereby amended by inserting immediately after Article II thereof a new article to be known as “Article II—A—Court of Appeals,” which shall contain the following provisions:

“ARTICLE II—A.—*Court of Appeals*

“SEC. 145—A. *The Court of Appeals.*—The Court of Appeals of the Philippines shall consist of a Presiding Judge and ten appellate Judges, who shall be appointed by the President of the Philippines, with the consent of the Commission on Appointments of the National Assembly. The Presiding Judge of the Court of Appeals shall be so designated in his commission, and the other Judges of the Court shall have precedence according to the dates of their respective commission, or, when the commissions of two or more of them shall bear the same date according to the order in which their commissions may have been issued by the President of the Philippines. The said Court of Appeals shall, as a body, sit *in banc*, but it may sit in two divisions, one of six and another of five Judges, to transact business, and the two divisions may sit at the same time.

“SEC. 145—B. *Presiding Judge to preside sessions of Court.*—If the Presiding Judge is present in any session of the Court whether *in banc* or in division, he shall preside. In his absence, that one of the Judges attending shall preside who is first in precedence in accordance with the above preceding section of this Code.

“SEC. 145—C. *Vacancy in office of Presiding Judge.*—In case of a vacancy in the office of Presiding Judge of the Court of Appeals, or in the event of his inability to perform the duties and powers of his office, they shall devolve upon the Judge of the Court who is first in precedence, until such disability is removed, or another Presiding Judge is appointed and has qualified. This provision and the provision of the preceding section shall apply to every appellate Judge who succeeds to the office of the Presiding Judge.

"SEC. 145-D. *Designation of Judges of First Instance to sit in the Court of Appeals.*—In case of vacancy in the office of any one of the Judges of the Court of Appeals, or in the event that any one of said Judges is absent, or disabled, or incapacitated, for any reason, to perform the duties and powers of his office, the President of the Philippines, upon the recommendation of the Chief Justice of the Supreme Court, may designate a Judge of First Instance to sit temporarily in the Court of Appeals, until such disability is removed, or the vacancy is permanently filled. However, no Judge of First Instance so appointed shall act in the Court of Appeals in any case in which his ruling or decision is the subject of review.

"SEC. 145-E. *Qualifications and compensation of Judges of Court of Appeals.*—The Judges of the Court of Appeals shall have the same qualifications as those provided in the Constitution for Members of the Supreme Court. The Presiding Judge of the Court of Appeals shall receive an annual compensation of twelve thousand pesos, and each appellate Judge, an annual compensation of eleven thousand pesos.

"SEC. 145-F. *Jurisdiction of the Court of Appeals.*—The Court of Appeals shall have exclusive appellate jurisdiction of all cases, actions, and proceedings, not enumerated in section one hundred and thirty-eight of this Code, properly brought to it from Courts of First Instance. The decision of the Court of Appeals in such cases shall be final; *Provided, however,* That the Supreme Court in its discretion may, in any case involving a question of law, upon petition of the party aggrieved by the decision and under rules and conditions that it may prescribe, require by certiorari that the said case be certified to it for review and determination, as if the case had been brought before it on appeal.

"SEC. 145-G. *Original jurisdiction of the Court of Appeals.*—The Court of Appeals shall have original jurisdiction to issue writs of mandamus, prohibition, injunction, certiorari, habeas corpus, and all other auxiliary writs and process in aid of its appellate jurisdiction.

"SEC. 145-H. *Transfer of cases from Supreme Court and Court of Appeals to proper Court.*—All cases which may be erroneously brought to the Supreme Court or to the Court of Appeals shall be sent to the proper Court, which shall hear the same, as if it had originally been brought before it.

"SEC. 145-I. *Place of holding sessions.*—The Court of Appeals and its two divisions shall hold sessions in the City of Manila.

"SEC. 145-J. *Quorum of the Court.*—Eight Judges of the Court of Appeals shall constitute a quorum of the Court for its session *in banc*, and four Judges shall constitute a quorum for its sessions in division. In the absence of a quorum, whether *in banc* or in division, the Court or the division shall stand *ipso facto* adjourned until such time as the requisite number shall be present, and a memorandum showing this fact shall be inserted by the clerk in the minutes of the Court.

"SEC. 145-K. *Distribution of cases between divisions.*—All of the cases of the Court of Appeals shall be allotted between the two divisions thereof for trial and decision, and the affirmative vote of the majority of the members of the division shall be necessary for the pronouncement of a judgment. Whenever in any criminal case submitted to a division, the said division, or any member thereof, should be of the opinion that the penalty of death or life imprisonment should be imposed, the said Court shall refrain from entering judgment thereon and shall forthwith certify the case to the Supreme Court for final determination, as if the case had been brought before it on appeal.

"Whenever a division of the Court of Appeals fails to reach a decision in a case submitted to it, or whenever such division shall so order, or whenever the Presiding Judge, in the exercise of his sound discretion, so orders, the case shall be heard and determined by the Court sitting *in banc*, the affirmative vote of a majority of at least six Judges being necessary for the pronouncement of a judgment.

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"SEC. 145-L. *Power of the Court to adopt certain rules.*—The Court of Appeals, sitting *in banc*, shall, from time to time, make proper orders or rules to govern the allotment of cases between the two divisions, the constitution of such divisions, the regular rotation of Judges between them, the filling of vacancies occurring therein, and other matters relating to the business of the Court; and these rules shall continue in force until repealed or altered by it or by the Supreme Court of the Philippines.

"SEC. 145-M. *Clerk of the Court of Appeals; his appointment; his compensation; his bond.*—The Court of Appeals shall appoint a clerk of Court, who shall exercise the same powers and perform the same duties in regard to all matters within its jurisdiction, as are exercised and performed by the clerk of the Supreme Court of the Philippines, insofar as the same may be applicable; and in the exercise of those powers and in the performance of those duties, the clerk shall be under the direction of the Court. No person may be appointed clerk of the Court of Appeals unless he has been engaged for five years or more in the practice of law or has been a clerk or deputy clerk of a court of record for the same period of time.

"The clerk shall receive an annual compensation of four thousand pesos; and, before entering upon the discharge of the duties of his office, he shall file a bond in the sum of twenty thousand pesos, with sufficient sureties to be approved by the Treasurer of the Philippines, running to the Government, for the benefit of whom it may concern, conditioned for faithful performance of his duties, and for the delivery of payment to the Government, or the persons entitled thereto, of all property or sums of money that should officially come into his hands or into those of his deputies or assistants. The bond shall be kept in the office of the Treasurer of the Philippines and entered in his books, where it shall be subject to disposition by interested parties.

"The clerk of Court may require any of his deputies or assistants to give an adequate bond as security against

loss by reason of any wrongdoing on the part of such deputy or assistant.

"SEC. 145-N. *Appointment by Court of Appeals of a deputy clerk of Court and other officers.*—The Court may, likewise, appoint a deputy clerk of Court, who will have the same qualifications as those of the clerk of the Court of Appeals, with an annual compensation of three thousand two hundred pesos, and other officers and employees in such number and with such compensation as may be authorized by the Secretary of Justice, until such provisions be included in the budget for the next year.

"SEC. 145-O. *Certification of cases pending in Supreme Court to Court of Appeals, if such cases properly belong to the latter Court.*—Immediately after the Court of Appeals is organized, all cases which, under this Act, correspond to the Court of Appeals and which may be pending in the Supreme Court, if such cases have not been heard on argument and submitted for decision by this Court, shall be certified by the clerk of the Supreme Court to the clerk of the Court of Appeals, to be heard and decided by the latter Court in conformity with the provisions of this Act. In those cases so pending in the Supreme Court, in which reference has been made to referees or commissioners for the taking of evidence, no such certification shall be made until after such evidence has been received in the Supreme Court.

"SEC. 145-P. *Applicability of laws and rules covering appeals.*—All of the provisions of law or of the rules of court, in force upon the approval of this Act, relating to the time within which an appeal may be taken, and the manner of appealing cases, to the Supreme Court, shall be applicable to appeals to the Court of Appeals of cases falling within its jurisdiction.

"SEC. 145-Q. *Applicability of certain provisions of the Revised Administrative Code to Court of Appeals.*—The provisions of articles one hundred and twenty-seven, one hundred and twenty-eight, one hundred and thirty-five, one hundred and thirty-six, one hundred and thirty-seven,

one hundred and thirty-nine; one hundred and forty, one hundred and forty-one, one hundred and forty-two, one hundred and forty-three, one hundred and forty-four, one hundred and seventy-three, two hundred and seventy-one, two hundred and seventy-two, and two hundred and seventy-three of the Revised Administrative Code shall be applicable to the Court of Appeals, insofar as they may be of possible application."

SEC. 4. Upon the taking effect of this Act, all of the Justices of the Supreme Court, who shall not have been appointed pursuant to the provisions of the Constitution, shall vacate their respective offices, and new appointments of Justices shall be made in accordance with the Constitution to complete the membership of the Court.

SEC. 5. All Acts or parts of Acts, whose provisions are covered by, or are inconsistent or incompatible with, the provisions of this Act are hereby repealed.

SEC. 6. In order to carry into effect the purposes of this Act, there is hereby appropriated out of the funds in the Philippine Treasury not otherwise appropriated, for disbursement until December thirty-one, nineteen hundred and thirty-six, the sum of one hundred and seventy-five thousand pesos or such part thereof as may be necessary for such purposes, in addition to the sum of ninety thousand pesos to be saved by the Supreme Court from its appropriations for the year nineteen hundred and thirty-six on account of the reduction of the number of the Associate Justices and subordinate personnel, which amount is also hereby made available for said purposes, including payment of salaries and wages, purchase of furniture and equipment, and sundry expenses.

SEC. 7. This Act shall take effect on the first day of February, nineteen hundred and thirty-six.

Approved, December 31, 1935.

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[COMMONWEALTH ACT NO. 259]

AN ACT TO AMEND CERTAIN PROVISIONS OF THE ADMINISTRATIVE CODE, AS AMENDED BY COMMONWEALTH ACT NUMBERED THREE, RELATING TO THE SUPREME COURT AND THE COURT OF APPEALS AND TO APPROPRIATE FUNDS TO CARRY OUT THE PURPOSES THEREOF.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The first paragraph of section one hundred thirty-three of the Administrative Code, as amended by Commonwealth Act Numbered Three, is further amended so as to read as follows:

"SEC. 133. *The Supreme Court; quorum of the Court; designation of Justices of the Court of Appeals to sit in the Supreme Court; number of Justices necessary to reach a decision.*—The Supreme Court of the Philippines shall consist of a Chief Justice and six Associate Justices, which shall sit *in banc* in the hearing and determination of all cases within its jurisdiction. The presence of five Justices shall be necessary to constitute a *quorum*, except when the judgment of the lower court imposes the death penalty, in which case the presence of all the Justices shall be necessary to constitute a *quorum*. In the absence of a *quorum*, the Court shall stand *ipso facto* adjourned until such time as the requisite number shall be present, and a memorandum showing this fact shall be inserted by the clerk in the minutes of the Court."

SEC. 2. Section one hundred and thirty-three-A of the Administrative Code, as amended by Commonwealth Act Numbered Three, is further amended so as to read as follows:

"SEC. 133-A. *Place of holding sessions.*—The Supreme Court shall hold its sessions in the City of Manila. When-

ever the public interest so requires, it may hold its sessions in any other place within the Philippines."

SEC. 3. Paragraphs four and five of section one hundred thirty-eight of the Administrative Code, as amended by Commonwealth Act Numbered Three, are further amended so as to read as follows:

"(4) All criminal cases involving offenses for which the penalty imposed is death or life imprisonment, and those involving other offenses which, although not so punished, arose out of the same occurrence or which may have been committed by the accused on the same occasion, as that giving rise to the more serious offense, regardless of whether the accused are charged as principals, accomplices, or accessories, or whether they have been tried jointly or separately.

"(5) All civil cases in which the value in controversy exceeds fifty thousand pesos, exclusive of interests and costs, or in which the title or possession of real estate exceeding in value the sum of fifty thousand pesos to be ascertained by the oath of a party to the cause or by other competent evidence, is involved or brought in question. The Supreme Court shall likewise have exclusive jurisdiction over all appeals in civil cases, even though the value in controversy, exclusive of interests and costs, is fifty thousand pesos or less, when the evidence involved in said cases is the same as the evidence submitted in an appealed civil case within the exclusive jurisdiction of the Supreme Court as provided herein."

SEC. 4. Section one hundred and forty-five-A of the Administrative Code, as amended by Commonwealth Act Numbered Three, is further amended so as to read as follows:

"SEC. 145-A. *The Court of Appeals.*—The Court of Appeals of the Philippines shall consist of a Presiding Justice and fourteen Associate Justices, who shall be appointed by the President of the Philippines, with the consent of the Commission on Appointments of the National Assembly. The Presiding Justice of the Court of Appeals shall be so designated in his commission, and the other Justices of the Court shall have precedence according to the dates of their

respective commissions, or when the commissions of two or more of them shall bear the same date according to the order in which their commissions have been issued by the President of the Philippines. The said Court of Appeals shall, as a body, sit *in banc*, but it may sit in three divisions of five Justices each. The three divisions may sit at the same time.

"Whenever the terms 'Presiding Judge' and 'Appellate Judge' or 'Judge' appear in Commonwealth Act Numbered Three, they shall be read as 'Presiding Justice' and 'Associate Justice,' respectively."

SEC. 5. Section one hundred and forty-five-E of the Administrative Code, as amended by Commonwealth Act Numbered Three, is further amended so as to read as follows:

"SEC. 145-E. *Qualifications and compensation of Justices of Court of Appeals.*—The Justices of the Court of Appeals shall have the same qualifications as those provided in the Constitution for members of the Supreme Court. The Presiding Justice of the Court of Appeals shall receive an annual compensation of thirteen thousand pesos, and each Associate Justice, an annual compensation of twelve thousand pesos."

SEC. 6. Section one hundred and forty-five-I of the Administrative Code, as amended by Commonwealth Act Numbered Three, is further amended so as to read as follows:

"SEC. 145-I. *Place of holding sessions.*—The Court of Appeals *in banc* and its three divisions shall hold sessions in the City of Manila. Whenever the President of the Philippines shall find that the public interest requires that the court hold session in any other place within the Philippines, the court shall, by resolution, make provision for the holding of such session *in banc* or by any of its divisions."

SEC. 7. Section one hundred and forty-five-J of the Administrative Code, as amended by Commonwealth Act Numbered Three, is further amended so as to read as follows:

"SEC. 145-J. *Quorum of the Court.*—Nine Justices of the Court of Appeals shall constitute a *quorum* for its sessions

in banc, and four Justices shall constitute a *quorum* for its sessions in division. In the absence of a *quorum*, the Court or the division shall stand *ipso facto* adjourned until such time as the requisite number shall be present, and a memorandum showing this fact shall be inserted by the clerk in the minutes of the Court."

SEC. 8. Section one hundred and forty-five-K of the Administrative Code, as amended by Commonwealth Act Numbered Three, is further amended so as to read as follows:

"SEC. 145-K. *Distribution of cases between divisions.*—All of the cases of the Court of Appeals shall be allotted between the three divisions thereof for trial and decision, and the affirmative vote of the majority of the members of each division shall be necessary for the pronouncement of a judgment. Whenever in any criminal case submitted to a division, the said division, or any member thereof, should be of the opinion that the penalty of death or life imprisonment should be imposed, the said Court shall refrain from entering judgment thereon and shall forthwith certify the case to the Supreme Court for final determination, as if the case had been brought before it on appeal.

"Whenever a division of the Court of Appeals fails to reach a decision in a case submitted to it, or whenever such division shall so order, or whenever the Presiding Justice, in the exercise of his sound discretion, so orders, the case shall be heard and determined by the Court sitting *in banc*, the affirmative vote of at least eight Justices being necessary for the pronouncement of a judgment."

SEC. 9. Section one hundred and forty-five-L of the Administrative Code, as amended by Commonwealth Act Numbered Three, is further amended so as to read as follows:

"SEC. 145-L. *Power of the Court to adopt rules.*—The Court of Appeals, sitting *in banc*, shall make proper orders or rules to govern the allotment of cases between the three divisions, the constitution of such divisions, the regular rotation of Justices between them, the filling of vacancies occurring therein, and other matters relating to the business of the Court; and these rules shall continue in force until

repealed or altered by it or by the Supreme Court of the Philippines."

SEC. 10. Section one hundred and forty-five-M of the Administrative Code, as amended by Commonwealth Act Numbered Three, is further amended so as to read as follows:

"SEC. 145-M. *Clerk of the Court of Appeals; his appointment; his compensation; his bond.*—The Court of Appeals shall appoint a clerk of court, who shall exercise the same powers and perform the same duties in regard to all matters within its jurisdiction, as are exercised and performed by the clerk of the Supreme Court of the Philippines, insofar as the same may be applicable; and in the exercise of those powers and in the performance of those duties, the clerk shall be under the direction of the Court. No person may be appointed clerk of the Court of Appeals unless he has been engaged for five years or more in the practice of law or has been a clerk or deputy clerk of a court of record for the same period of time.

"The clerk shall receive an annual compensation of five thousand forty pesos. Before entering upon the discharge of the duties of his office, he shall file a bond in the sum of twenty thousand pesos, with sufficient sureties to be approved by the Treasurer of the Philippines, running to the Government, for the benefit of whom it may concern, conditioned for faithful performance of his duties, and for the delivery of payment to the Government, or the persons entitled thereto, of all property or sums of money that should officially come into his hands or into those of his deputies or assistants. The bond shall be kept in the office of the Treasurer of the Philippines and entered in his books for the inspection of interested parties.

"The clerk of Court may require any of his deputies or assistants to give an adequate bond as security against loss by reason of any wrongdoing on the part of such deputy or assistant."

SEC. 11. Section one hundred and forty-five-N of the Administrative Code, as amended by Commonwealth Act

Numbered Three, is further amended so as to read as follows:

"SEC. 145-N. *Appointment by Court of Appeals of deputy clerks of Court and other officers.*—The Court may appoint two deputy clerks of court, who will have the same qualifications as those of the clerk of the Court of Appeals, with an annual compensation of four thousand and twenty pesos for the first deputy, and three thousand and six hundred pesos for the second deputy, and other officers in such number and with such compensation as may be hereafter authorized."

SEC. 12. Section one hundred and forty-five-P of the Administrative Code, as amended by Commonwealth Act Numbered Three, is further amended so as to read as follows:

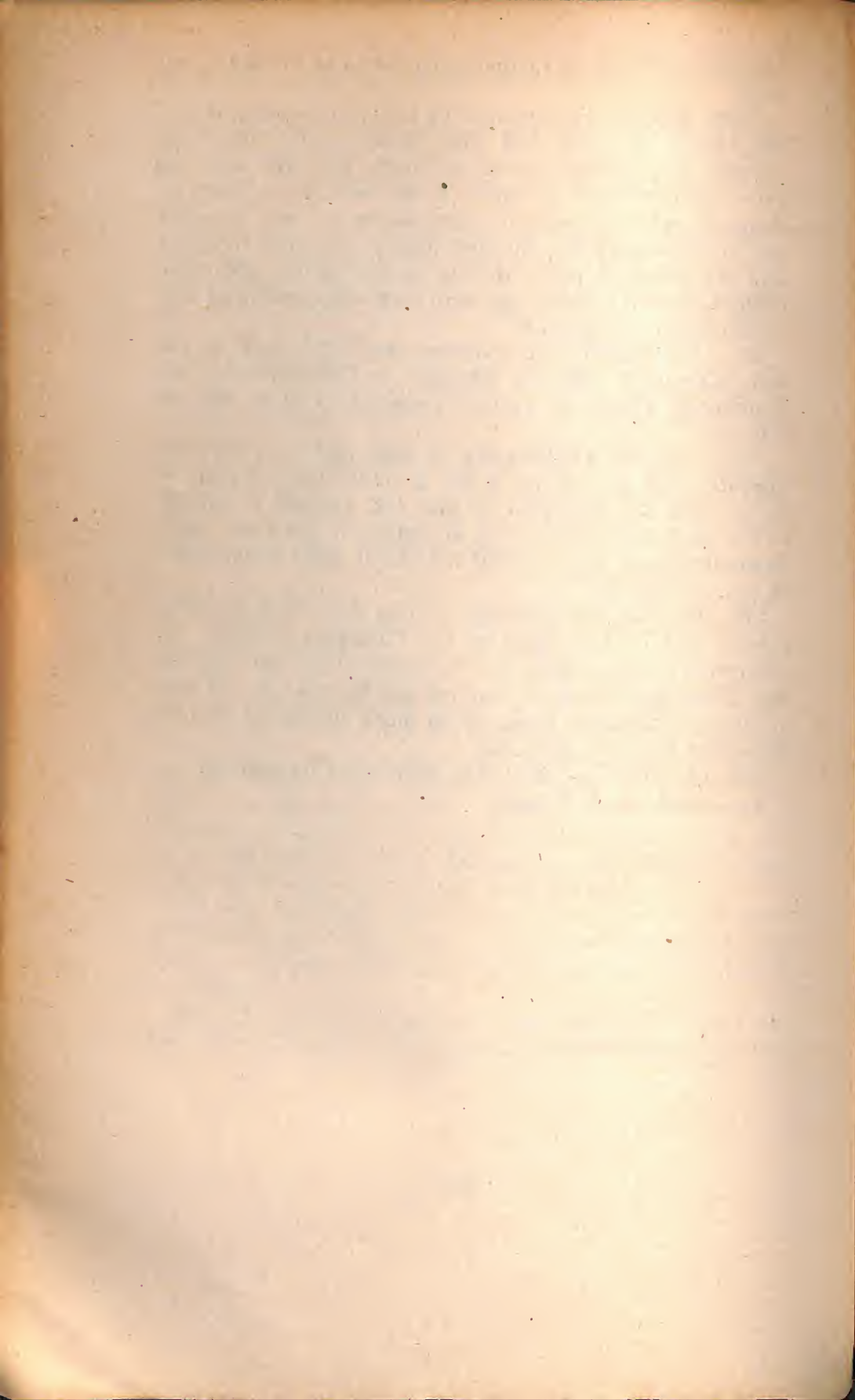
"SEC. 145-P. *Applicability of laws and rules covering appeals.*—All provisions of law or of the rules of court in force upon the approval of this Act, relating to appeals to the Supreme Court, or to procedure in said Court, shall be applicable to the Court of Appeals in cases falling within its jurisdiction."

SEC. 13. For the purposes of this Act, there is appropriated out of the funds of the Philippine Treasury not otherwise appropriated, for the disbursement until December thirty-one, nineteen hundred and thirty-eight, the sum of ninety thousand pesos or so much thereof as may be necessary for such purposes.

SEC. 14. This Act shall take effect upon its approval.

Approved, April 7, 1938.





Commonwealth Act No. 639

AN ACT TO AMEND SECTION ONE HUNDRED AND THIRTY-
FOUR OF THE ADMINISTRATIVE CODE, AS AMENDED
BY COMMONWEALTH ACT NUMBERED THREE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section one hundred and thirty-four of the Administrative Code, as amended by Commonwealth Act Numbered Three, is further amended to read as follows:

"SEC. 134. *Appointment of Justices of the Supreme Court.*—The Chief Justice and the Associate Justices of the Supreme Court shall be appointed by the President of the Philippines, with the consent of the Commission on Appointments. The Chief Justice of the Supreme Court shall be so designated in his commission; and the Associated Justices shall have precedence according to the dates of their respective commissions, or, when the commissions of two or more of them bear the same date, according to the order in which their commissions may have been issued by the President of the Philippines: *Provided, however,* That any member of the Supreme Court who has been reappointed to that court after rendering service in any other branch of the Government shall retain the precedence to which he is entitled under his original appointment and his service in the court shall, to all intents and purposes be considered as continuous and uninterrupted."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 10, 1941.

[COMMONWEALTH ACT No. 425]

AN ACT MODIFYING THE MANNER, FORM AND AMOUNT OF THE BOND OF THE CLERK OF THE COURT OF APPEALS, AMENDING FOR THIS PURPOSE, SECTION ONE HUNDRED FORTY-FIVE-M OF THE ADMINISTRATIVE CODE, AS AMENDED BY COMMONWEALTH ACTS NUMBERED THREE AND TWO HUNDRED AND FIFTY-NINE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section one hundred and forty-five-M of the Administrative Code, as amended by Commonwealth Acts Numbered Three and Two hundred and fifty-nine, is further amended to read as follows:

"SEC. 145-M. *Clerk of the Court of Appeals; his appointment; his compensation; his bond.*—The Court of Appeals shall appoint a clerk of court, who shall exercise the same powers and perform the same duties in regard to all matters within its jurisdiction, as are exercised and performed by the clerk of the Supreme Court of the Philippines, insofar as the same may be applicable; and in the exercise of those powers and in the performance of those duties, the clerk shall be under the direction of the Court. No person may be appointed clerk of the Court of Appeals unless he has been engaged for five years or more in the practice of law, or has been clerk or deputy clerk of a court of record for the same period of time.

"The clerk shall receive an annual compensation of five thousand forty pesos. Before entering upon the discharge of the duties of his office, he shall file a bond in the amount

of five thousand pesos in the same manner and form as required of the clerk of the Supreme Court, such bond to be approved by the Treasurer of the Philippines. The bond shall be kept in the office of the Treasurer of the Philippines and entered in his books, the same being subject to inspection by interested parties.

"The clerk of court may require any of his deputies or assistants to give an adequate bond as security against loss by reason of any wrongdoing or gross negligence on the part of such deputy or assistant."

SEC. 2. This Act shall take effect upon its approval.

Approved, May 31, 1939.

31722

[COMMONWEALTH ACT No. 145]

AN ACT TO AMEND CERTAIN SECTIONS OF ARTICLES THREE, FOUR, FIVE, AND SIX OF CHAPTER NINE OF THE REVISED ADMINISTRATIVE CODE, AS AMENDED, SO AS TO REORGANIZE THE COURTS OF FIRST INSTANCE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Article III, Chapter nine of the Revised Administrative Code, is hereby amended to read as follows:

"ARTICLE III.—Courts of First Instance in General

*"SEC. 146. Courts of First Instance.—*Courts of general original jurisdiction, known as Courts of First Instance, are organized and established throughout the Philippines in conformity with the provisions of this chapter.

*"SEC. 147. Judges of First Instance.—*The judicial function in Courts of First Instance shall be vested in judges of first instance and judges-at-large of first instance, to be appointed and commissioned as hereinafter provided.

*"SEC. 148. Limitation upon tenure of office.—*Judges of First Instance and judges-at-large shall be appointed to serve during good behavior, until they reach the age of seventy years, or become incapacitated to discharge the duties of their office, unless sooner removed in accordance with law.

*"SEC. 149. Qualifications.—*No person shall be appointed judge of first instance or judge-at-large unless he has been five years a citizen of the Philippines and has practiced law in the Philippines for a period of not less than five years or has held during a like period, within the Philip-

pires, an office requiring admission to the practice of law in the Philippines as an indispensable requisite.

"SEC. 150. *Clerks and other subordinate employees of Courts of First Instance.*—Clerks, deputy clerks, assistants, and other subordinate employees of Courts of First Instance shall, for administrative purposes, belong to the Department of Justice; but in the performance of their duties they shall be subject to the supervision of the judges of the courts to which they respectively pertain.

"The clerk of a Court of First Instance may, by special written deputization approved by the judge, authorize any suitable person to act as his special deputy and in such capacity to perform such functions as may be specified in the authority granted.

"SEC. 151. *Permanent station of clerk of court.*—The permanent station of a clerk of court shall be at the provincial capital or at the permanent residence of the judge presiding the court.

"SEC. 152. *Provincial officer as ex-officio clerk of court.*—When the Secretary of Justice shall deem such action advisable, he may direct that the duties of the clerk of court shall be performed by a provincial officer or employee as ex-officio clerk of court, in which case the salary of said employee or officer as clerk of court, ex-officio, shall be fixed by the provincial board and shall be equitably distributed by said board with the approval of the Secretary of Justice between the National Government and the provincial government."

SEC. 2. Article IV, Chapter nine, of the Revised Administrative Code, as amended, is hereby further amended to read as follows:

"ARTICLE IV.—*Judicial Districts for Courts of First Instance and Judges thereof*

"SEC. 153. *Judicial districts.*—Judicial districts for Courts of First Instance in the Philippines are constituted as follows:

"The First Judicial District shall consist of the Provinces of Cagayan, Batanes, Isabela, Nueva Vizcaya, Ilocos Norte,

Ilocos Sur, Abra, and the Subprovince of Apayao, Mountain Province;

"The Second Judicial District, of the Provinces of La Union, Mountain Province, except the Subprovince of Apayao, Pangasinan, Zambales, and Bataan;

"The Third Judicial District, of the Provinces of Nueva Ecija, Tarlac, Bulacan, and Pampanga;

"The Fourth Judicial District, of the City of Manila, and the Provinces of Rizal and Palawan;

"The Fifth Judicial District, of the Provinces of Cavite, Laguna, Batangas, Mindoro, Tayabas, and Marinduque;

"The Sixth Judicial District, of the Provinces of Camarines Norte, Camarines Sur, Albay, Sorsogon, Masbate, and the Subprovince of Catanduanes;

"The Seventh Judicial District, of the Provinces of Capiz, Romblon, Iloilo, Antique, Occidental Negros, Oriental Negros, and the Subprovince of Siquijor;

"The Eighth Judicial District, of the Provinces of Samar, Leyte, Cebu, and Bohol.

"The Ninth Judicial District, of the Provinces of Occidental Misamis, Oriental Misamis, Agusan, Surigao, Lanao, Bukidnon, Zamboanga, Sulu, Davao, and Cotabato.

"SEC. 154. *Judges of First Instance for Judicial Districts.*—Four Judges shall be commissioned for the First Judicial District. One Judge with permanent residence in the Province of Cagayan shall preside over the Courts of First Instance of Cagayan, Batanes and the Subprovince of Apayao, Mountain Province; one Judge with permanent residence in the Province of Isabela, shall preside over the Courts of First Instance of Isabela and Nueva Vizcaya; one Judge shall preside over the Court of First Instance of, and reside in the Province of Ilocos Norte; and another with permanent residence in the Province of Ilocos Sur, shall preside over the Courts of First Instance of Ilocos Sur and Abra.

"Four Judges shall be commissioned for the Second Judicial District. Two Judges shall preside over the Court of First Instance of, and reside in, the Province of Pangasinan; one Judge with permanent residence in Baguio, Mountain

Province, shall preside over the Courts of First Instance of the Provinces of La Union and Mountain Province, except Apayao, and another Judge, with permanent residence in the Province of Bataan, shall preside over the Courts of First Instance of Bataan and Zambales.

"Five judges shall be commissioned for the Third Judicial District. Two Judges shall preside over the Court of First Instance of, and reside in, the Province of Nueva Ecija, and the others shall preside over the Courts of First Instance of, and reside in, the Provinces of Tarlac, Pampanga and Bulacan, respectively.

"Nine Judges shall be commissioned for the Fourth Judicial District. Seven Judges, with residence in the City of Manila, and who shall be known as Judges of the First, Second, Third, Fourth, Fifth, Sixth and Seventh Branches, respectively, shall preside over the Courts of First Instance of Manila and Palawan, and two Judges shall preside over the Court of First Instance of, and reside in, the Province of Rizal.

"Five Judges shall be commissioned for the Fifth Judicial District. Two Judges, with permanent residence in Tayabas, shall preside over the Courts of First Instance of the Provinces of Tayabas and Marinduque; one Judge shall preside over the Court of First Instance of, and reside in, the Province of Cavite; one Judge shall preside over the Court of First Instance of, and reside in, the Province of Laguna, and another Judge, with residence in the Province of Batangas, shall preside over the Courts of First Instance of Batangas and Mindoro.

"Four Judges shall be commissioned for the Sixth Judicial District. One shall preside over the Court of First Instance of, and reside in, the Province of Camarines Sur; one Judge shall preside over the Court of First Instance of, and reside in, the Province of Camarines Norte; one Judge with residence in the Province of Albay, shall preside over the Courts of First Instance of Albay and Catanduanes; and another, with residence in the Province of Sorsogon, shall preside over the Courts of First Instance of Sorsogon and Masbate.

"Six Judges shall be commissioned for the Seventh Judicial District. Two Judges, with residence in Iloilo, shall preside over the Courts of First Instance of Iloilo and Antique; two Judges shall preside over the Court of First Instance of, and reside in, the Province of Occidental Negros; one Judge, with residence in the Province of Capiz, shall preside over the Courts of First Instance of Capiz and Romblon, and another Judge, with residence in the Province of Oriental Negros, shall preside over the Courts of First Instance of Oriental Negros and Siquijor.

"Seven Judges shall be commissioned for the Eighth Judicial District. Three Judges shall preside over the Court of First Instance of, and reside in, the Province of Cebu, two judges shall preside over the Court of First Instance of, and reside in, the Province of Leyte and the others shall preside over the Courts of First Instance of, and reside in, the Province of Samar and Bohol, respectively.

"Four Judges shall be commissioned for the Ninth Judicial District. One Judge, with residence in the Province of Zamboanga, shall preside over the Courts of First Instance of the Provinces of Zamboanga and Sulu; one Judge, with residence in the Province of Davao, shall preside over the Courts of First Instance of the Provinces of Davao and Cotabato; one Judge, with residence in the Province of Oriental Misamis, shall preside over the Courts of First Instance of Oriental Misamis, Occidental Misamis, Lanao and Bukidnon, and another Judge, with residence in the Province of Surigao, shall preside over the Courts of First Instance of Surigao and Agusan.

"SEC. 155. *Detail of judge to another district or province.*—Whenever a judge stationed in any province or branch of a court of a province should certify to the Secretary of Justice that the condition of the docket in his court is such as to require the assistance of an additional judge, or when there is any vacancy in any court or branch of a court in a province, and there is no judge-at-large available to be assigned to said court, the Secretary of Justice may, in the interest of justice, and for a period of not more than three months, assign any judge of any other

court or province within the same judicial district, whose docket permits his temporary absence from said court, to hold sessions in the court needing such assistance, or where such vacancy exists. No district judge shall be assigned to hold sessions in a judicial district other than that to which he is appointed without the approval of the Supreme Court being first had and obtained.

"SEC. 156. *Permanent residence of Judges.*—The residence of a Judge of First Instance as required by section one hundred and fifty-four as herein amended shall in no case be at a place more than thirty kilometers from the seat of his court."

SEC. 3. Article V, Chapter nine of the Revised Administrative Code, is hereby amended to read as follows:

"ARTICLE V.—*Judges-at-large of First Instance*

"SEC. 157. *Judges-at-large.*—In addition to the judges mentioned in section one hundred and fifty-four hereof, as amended, there shall also be appointed five judges who shall not be assigned permanently to any judicial district and who shall render duty in such districts or provinces as may, from time to time, be designated by the Department Head."

SEC. 4. Section one hundred and sixty-one, Article VI, Chapter nine, of the Revised Administrative Code, as amended, is hereby further amended to read as follows:

"SEC. 161. *Places and times of holding courts.*—For the Fourth Judicial District, court shall be held in the City of Manila, in Pasig, Rizal, and in Palawan as hereinafter provided. In other districts, court shall be held at the capital of the province in which the judges are permanently residing, respectively, except as hereinafter provided. Sessions of court shall be convened on all workdays when there are cases ready for trial or other court business to be dispatched.

"In the following districts, court shall also be held at the places and times hereinbelow specified:

"In the First District: At Aparri, Province of Cagayan, on the first Tuesday of January of each year; at Santo Domingo de Basco, Province of Batanes, on the first Tuesday of March of each year. A special term of court shall

also be held once a year in the municipalities of Abulug and Tuao, both of the Province of Cagayan, and in the municipalities of Echagüe and Cabagan, both of the Province of Isabela, in the discretion of the district judge: *Provided, however,* That cases coming from the Subprovince of Apayao may be tried in the municipality of Tuao, Province of Cagayan, in the discretion of the district judge; at Bayombong, Province of Nueva Vizcaya, on the second Tuesday of January and June of each year; at Bangued, Province of Abra, on the first Tuesday of March and October of each year;

"In the Second District: At Baguio, Mountain Province, on the first Tuesday of June and December of each year; at Kiangnan, Mountain Province, on the first Tuesday of March and November of each year; at Bontoc, Mountain Province, on the second Tuesday of March and November of each year; and whenever the interests of justice so require, a special term of court shall be held at Lubuagan, Subprovince of Kalinga; at San Fernando, La Union, on the first Tuesday of January and September of each year; at Tayug, Province of Pangasinan, on the first Tuesday of February of each year; at Iba, Province of Zambales, on the first Tuesday of February and October of each year; and at Balanga, Province of Bataan, on the first Tuesday of January and June of each year.

"In the Fourth District: At Coron, Province of Palawan, on the first Monday of March and August of each year; at Cuyo, same province, on the second Thursday of March and August of each year; and at Puerto Princesa, same province, on the fourth Wednesday of March and August of each year.

"In the Fifth District: At Calapan, Province of Mindoro, on the second Tuesday of February and the second Tuesday of September of each year; at San Jose, same province, on the second Tuesday of March of each year; at Lubang, Lubang Island, Province of Mindoro, on the fourth Tuesday of March of each year; at Infanta, Province of Tayabas, for the municipalities of Infanta, Casiguran, Baler and

Polillo, on the first Tuesday of June of each year; at Boac, Province of Marinduque, on the first Tuesday of March of each year.

"In the Sixth District: At Virac, Subprovince of Catanduanes, on the first Tuesday of March and September of each year; and at Masbate, Province of Masbate, on the second Tuesday of March and September of each year.

"In the Seventh District: At Romblon, Province of Romblon, on the first Tuesday of March and November of each year; at San Jose, Province of Antique, on the first Tuesday of June and November of each year; at Culasi, Province of Antique, on the first Tuesday of December of each year; and at Larena, Subprovince of Siquijor, on the first Tuesday of August of each year.

"In the Eighth District: At Borongan, Province of Samar, on the second Tuesday of July of each year; at Catarman, same province, on the first Tuesday of March of each year; at Guiuan, same province, on the second Tuesday of February of each year; at Calbayog, same province, on the second Tuesday of September of each year; at Laoang, of the same province, in the first Tuesday of October of each year; at Maasin, Province of Leyte on the first Tuesday of March and September of each year; at Ormoc, same province, on the first Tuesday of December of each year.

"In the Ninth District: At Oroquieta, Province of Occidental Misamis, on the first Tuesday of December and June of each year; at Cantilan, Province of Surigao, on the second Tuesday of August of each year; at Butuan, Province of Agusan, on the first Tuesday of March and October of each year; a special term of court shall also be held once a year in either the municipality of Tandag or the municipality of Hinatuan, Province of Surigao, in the discretion of the district judge; at Mambajao, Province of Oriental Misamis, on the first Tuesday of March of each year; at Malaybalay, Province of Bukidnon, on the first Tuesday of December of each year. A special term of court shall also be held once a year either in the municipality of Talisayan or in the municipality of Gingoog, Province of Oriental Misamis, in the discretion of the district judge; at Iligan,

Province of Lanao, on the first Tuesday of September of each year, but the September term for the Province of Lanao may be held at Dansalan, Province of Lanao, in the discretion of the district judge; at Dipolog, Province of Zamboanga, on the first Tuesday of January and June of each year; at Jolo, Province of Sulu, on the first Tuesday of March and November of each year. The office of the clerk of Court of First Instance of Dapitan, Province of Zamboanga, is hereby transferred to Dipolog, same province. At Cotabato, Province of Cotabato, on the first Tuesday of March and November of each year; at Glan, same province, and at Baganga and Mati, Province of Davao, terms of court shall be held at least once a year on the dates to be fixed by the district judge.

"Notwithstanding the provisions of this section, whenever weather conditions, the condition of the roads or means of transportation, the number of cases, or the interests of the administration of justice require it, the Secretary of Justice may advance or postpone the term of court or transfer the place of holding the same to another municipality within the same judicial district, and, in land registration cases, to any other place more convenient to the parties."

SEC. 5. This Act shall take effect upon its approval.
Approved, November 7, 1936.

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[COMMONWEALTH ACT No. 348]

AN ACT AMENDING THE ADMINISTRATIVE CODE TO INCREASE THE NUMBER OF JUDGES AND JUDGES-AT-LARGE OF FIRST INSTANCE, TO ALTER THE TIMES AND PLACES OF HOLDING COURTS IN CERTAIN DISTRICTS, AND TO FIX THE COMPENSATION OF JUDGES AND JUDGES-AT-LARGE OF FIRST INSTANCE, AND APPROPRIATING THEREFOR THE NECESSARY FUNDS.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The second, third, and seventh paragraphs of section one hundred and fifty-four of the Administrative Code, as amended by Commonwealth Act Numbered One hundred and forty-five, are further amended so as to read as follows:

"Four judges shall be commissioned for the Second Judicial District. Two judges shall preside over the Court of First Instance of, and reside in, the Province of Pangasinan; one judge, with permanent residence in Baguio, shall preside over the Courts of First Instance of the Province of La Union, the City of Baguio, and the Mountain Province, except Apayao; and another judge, with permanent residence in the Province of Bataan, shall preside over the Courts of First Instance of Bataan and Zambales. The Court of First Instance of Baguio shall try and hear all cases coming from the Subprovince of Benguet, Mountain Province, in the City of Baguio.

"Six judges shall be commissioned for the Third Judicial District. Two judges shall preside over the Court of First Instance of, and reside in, the Province of Nueva Ecija;

two judges shall preside over the Court of First Instance of, and reside in, the Province of Pampanga; and the others shall preside over the Courts of First Instance of, and reside in, the Province of Tarlac. and Bulacan, respectively.

"Seven judges shall be commissioned for the Seventh Judicial District. Three judges, with residence in Iloilo, shall preside over the Courts of First Instance of Iloilo and Antique; two judges shall preside over the Court of First Instance of, and reside in, the Province of Occidental Negros; one judge, with residence in the Province of Capiz, shall preside over the Courts of First Instance of Capiz and Romblon; and another judge, with residence in the Province of Oriental Negros, shall preside over the Courts of First Instance of Oriental Negros and Siquijor."

SEC. 2. Section one hundred and fifty-seven of the Administrative Code, as amended by Commonwealth Act Numbered One hundred and forty-five, is further amended so as to read as follows:

"SEC. 157. *Judges-at-large*.—In addition to the judges mentioned in section one hundred and fifty-four hereof, as amended, there shall also be appointed twelve judges who shall not be assigned permanently to any judicial district and who shall render duty in such districts or provinces as may, from time to time, be designated by the Department Head."

SEC. 3. Chapter nine, Title four, of the Administrative Code, as amended, is further amended by inserting immediately after Article V thereof a new article to be known as "Article V-A.—Salaries of Judges of the Courts of First Instance," which shall contain the following section to be known as "Section 160-A."

"ARTICLE V-A—SALARIES OF JUDGES OF THE COURTS OF
FIRST INSTANCE

"SEC. 160-A—*Salaries of the Judges and Judges-at-Large of First Instance*.—The judges of the Courts of First Instance included within the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, and Ninth Judicial Districts, with the exception of the judges presiding over the Courts of

First Instance which are hereinbelow indicated, shall receive an annual salary of ten thousand pesos each.

"The judges of the Courts of First Instance included within the first judicial district, with the exception of the one presiding over the Courts of First Instance of Isabela and Nueva Vizcaya, and the judges of the Courts of First Instance of Bataan and Zambales; of Oriental Negros and Siquijor; of Samar; and of Davao and Cotabato, shall receive an annual salary of nine thousand pesos each.

"The judges of the Courts of First Instance of Isabela and Nueva Vizcaya; of Camarines Norte; of Bohol; of Occidental Misamis, Oriental Misamis, Lanao and Bukidnon; of Surigao and Agusan; and the judges-at-large shall receive an annual salary of eight thousand pesos each."

SEC. 4. The third, seventh, eighth, and tenth paragraphs of section one hundred and sixty-one of the Administrative Code, as amended by Commonwealth Act Numbered One hundred and forty-five, are further amended so as to read as follows:

"In the First District: At Aparri, Province of Cagayan, on the first Tuesday of January of each year; at Santo Domingo de Basco, Province of Batanes, on the first Tuesday of March of each year. A special term of court shall also be held once a year in the municipalities of Abulug and Tuao, both of the Province of Cagayan, and in the municipalities of Echague and Cabagan, both of the Province of Isabela, in the discretion of the district judge; *Provided, however,* That cases coming from the Subprovince of Apayao may be tried in the municipality of Abulug or Tuao, Province of Cagayan, in the discretion of the district judge; at Bayombong, Province of Nueva Vizcaya, on the second Tuesday of January and June of each year; at Bangued, Province of Abra, on the first Tuesday of March and October of each year."

"In the Sixth District: At Virac, Subprovince of Catanduanes, on the first Tuesday of March and September of each year; and at Masbate, Province of Masbate, on the first Tuesday of February, June and October of each year."

"In the Seventh District: At Romblon, Province of Romblon, on the first Tuesday of March and November of each

year; at San Jose, Province of Antique, on the first Tuesday of February, June and October of each year; at Culasi, Province of Antique, on the first Tuesday of December of each year; and at Larena, Subprovince of Siquijor, on the first Tuesday of August of each year."

"In the Ninth District: At Oroquieta, Province of Occidental Misamis, on the first Tuesday of December and June of each year; at Cantilan, Province of Surigao, on the second Tuesday of August of each year; at Butuan, Province of Agusan, on the first Tuesday of March and October of each year; a special term of court shall also be held once a year in either the municipality of Tandag or the municipality of Hinatuan, Province of Surigao, in the discretion of the district judge; at Mambajao, Province of Oriental Misamis, on the first Tuesday of March of each year; at Malaybalay, Province of Bukidnon, on the first Tuesday of December of each year. A special term of court shall also be held once a year either in the municipality of Talisayan or in the municipality of Gingoog, Province of Oriental Misamis, in the discretion of the district judge; at Iligan, Province of Lanao, on the first Tuesday of September of each year, but the September term for the Province of Lanao may be held at Dansalan, Province of Lanao, in the discretion of the district judge; at Dipolog, Province of Zamboanga, on the first Tuesday of January and June of each year; at Jolo, Province of Sulu, on the first Tuesday of March and October of each year. The office of the clerk of Court of First Instance of Dapitan, Province of Zamboanga, is hereby transferred to Dipolog, same province. At Cotabato, Province of Cotabato, on the first Tuesday of March and November of each year; at Glan, same province, and at Baganga and Mati, Province of Davao, terms of court shall be held at least once a year on the dates to be fixed by the district judge."

SEC. 5. There is appropriated out of any funds in the National Treasury, not otherwise appropriated, for disbursement until June thirty, nineteen hundred and thirty-

nine, the sum of one hundred and twenty-eight thousand pesos, or so much thereof as may be necessary, for the payment of the salaries of the additional judges and judges-at-large of First Instance herein provided and the necessary personnel of their respective courts, for the purchase of supplies and equipment and for traveling and other sundry expenses.

SEC. 6. This Act shall take effect upon its approval.

Approved, August 19, 1938.

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[COMMONWEALTH ACT No. 504]

AN ACT CREATING FIFTEEN ADDITIONAL POSITIONS OF JUDGES OF FIRST INSTANCE AND THE NECESSARY SUBORDINATE PERSONNEL, FIXING THEIR RESPECTIVE DUTIES AND SALARIES, AND APPROPRIATING FUNDS THEREFOR.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. In addition to the existing positions of judges of first instance, there are created fifteen positions of judges of first instance to be appointed as provided by law. Said judges shall be paid a salary of eight thousand four hundred pesos per annum each, and shall have the same rank, powers and privileges enjoyed by and granted to judges of first instance, but their jurisdiction shall be limited to cases arising under the Cadastral Act and the Land Registration Act. They shall render duty in such judicial districts or provinces as may, from time to time, be designated by the Secretary of Justice.

SEC. 2. For the purpose of carrying out the provisions of this Act, there are created fifteen positions of stenographer at a salary not exceeding one thousand eight hundred pesos per annum each; fifteen positions of deputy clerk of court at a salary not exceeding one thousand four hundred and forty pesos per annum each; fifteen positions of interpreter at a salary not exceeding nine hundred and sixty pesos per annum each; thirty positions of clerk at a

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salary not exceeding seven hundred and twenty pesos per annum each; and fifteen positions of clerk-messenger at a salary not exceeding four hundred and eighty pesos per annum each. These employees shall be appointed by the Secretary of Justice, and for administrative purposes, shall belong to the General Land Registration Office.

SEC. 3. There is appropriated out of any funds in the Philippine Treasury, not otherwise appropriated, the sum of One Hundred Fifty Thousand Pesos, or so much thereof as may be necessary, for expenditure during the fiscal year ending June thirty, nineteen hundred and forty, for salaries, per diems, traveling expenses, purchase of materials and equipments, and other necessary sundry expenses.

SEC. 4. This Act shall take effect on its approval.

Approved, October 16, 1939.

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[COMMONWEALTH ACT No. 545]

AN ACT AMENDING THE ADMINISTRATIVE CODE TO INCREASE THE NUMBER OF JUDGES OF FIRST INSTANCE, TO REGROUP SOME OF THE PROVINCES FOR JUDICIAL PURPOSES, AND APPROPRIATING THE NECESSARY FUNDS THEREFOR.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The third, fourth, fifth, sixth and ninth paragraphs of section one hundred and fifty-four of the Administrative Code, as amended by Commonwealth Acts Numbered One hundred and forty-five and Three hundred and forty-eight, are further amended so as to read as follows:

"Seven judges shall be commissioned for the Third Judicial District. Two judges shall preside over the Court of First Instance of, and reside in, the Province of Nueva Ecija; two judges shall preside over the Court of First Instance of, and reside in, the Province of Pampanga; one judge shall preside over the Court of First Instance of, and reside in, the Province of Tarlac; and two judges shall preside over the Court of First Instance of, and reside in, the Province of Bulacan.

"Eleven judges shall be commissioned for the Fourth Judicial District. Nine judges, with residence in the City of Manila, and who shall be known as judges of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Branches, respectively, shall preside over the Courts of First Instance of Manila and Palawan, and two judges shall preside over the Court of First Instance of, and reside in, the Province of Rizal.

"Seven judges shall be commissioned for the Fifth Judicial District. Two judges, with permanent residence in

Tayabas, shall preside over the Courts of First Instance of the Provinces of Tayabas and Marinduque; Two judges shall preside over the Court of First Instance of, and reside in, the Province of Cavite; two judges shall preside over the Court of First Instance of, and reside in, the Province of Laguna, and another judge, with residence in the Province of Batangas, shall preside over the Courts of First Instance of Batangas and Mindoro.

"Five judges shall be commissioned for the Sixth Judicial District, two shall preside over the Court of First Instance of, and reside in, the Province of Camarines Sur; one judge shall preside over the Court of First Instance of, and reside in, the Province of Camarines Norte; one judge, with residence in the Province of Albay, shall preside over the Courts of First Instance of Albay and Catanduanes; and another, with residence in the Province of Sorsogon, shall preside over the Courts of First Instance of Sorsogon and Masbate.

"Five judges shall be commissioned for the Ninth Judicial District. One judge, with residence in the Province of Zamboanga, shall preside over the Courts of First Instance of the Provinces of Zamboanga and Sulu; one judge, with residence in the Province of Davao shall preside over the Court of First Instance of the Province of Davao; one judge, with residence in the Province of Oriental Misamis, shall preside over the Courts of First Instance of Oriental Misamis, Occidental Misamis and Bukidnon; one judge, with residence in the Province of Cotabato, shall preside over the Courts of First Instance of Cotabato and Lanao; and another judge, with residence in the Province of Surigao, shall preside over the Courts of First Instance of Surigao and Agusan.

SEC. 2. The tenth paragraph of section one hundred and sixty-one of the Administrative Code, as amended by Commonwealth Acts Numbered One hundred and forty-five and Three hundred and forty-eight, is further amended so as to read as follows:

"In the Ninth District: At Oroquieta, Province of Occidental Misamis on the first Tuesday of December and

June of each year; at Cantilan, Province of Surigao, on the second Tuesday of August of each year; at Butuan, Province of Agusan, on the first Tuesday of March and October of each year; a special term of court shall also be held once a year in either the municipality of Tandag or the municipality of Hinatuan, Province of Surigao, in the discretion of the district judge; at Mambajao, Province of Oriental Misamis, on the first Tuesday of March of each year; at Malaybalay, Province of Bukidnon, on the first Tuesday of December of each year. A special term of court shall also be held once a year either in the municipality of Talisayan or in the municipality of Gingoog, Province of Oriental Misamis, in the discretion of the district judge; at Iligan, Province of Lanao, on the first Tuesday of March and September of each year, but the September term for the Province of Lanao may be held at Dansalan, Province of Lanao, in the discretion of the district judge; at Dipolog, Province of Zamboanga, on the first Tuesday of January and June of each year; at Jolo, Province of Sulu, on the first Tuesday of March and October of each year. The office of the clerk of Court of First Instance of Dapitan, Province of Zamboanga, is hereby transferred to Dipolog, same province. At Glan, Province of Cotabato, and at Baganga and Mati, Province of Davao, terms of court shall be held at least once a year on the dates to be fixed by the district judge."

SEC. 3. There is appropriated out of any funds in the National Treasury, not otherwise appropriated, the sum of one hundred and fifty thousand pesos, or so much thereof as may be necessary, for the payment of the salaries of the additional judges herein provided, and the necessary personnel of their respective courts, for the purchase of supplies and equipment, and for traveling and other sundry expenses.

SEC. 4. This Act shall take effect upon its approval.

Approved, May 26, 1940.

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[COMMONWEALTH ACT No. 661]

AN ACT TO CREATE AN ADDITIONAL BRANCH OF
THE COURT OF FIRST INSTANCE OF CAGAYAN
IN THE FIRST JUDICIAL DISTRICT.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The first paragraph of section one hundred and fifty-four of the Administrative Code, as amended by Commonwealth Act Numbered One hundred and forty-five, is further amended to read as follows:

"SEC. 154. *Judges of First Instance for Judicial Districts.*—Five judges shall be commissioned for the first judicial district. Two judges with permanent residence in the Province of Cagayan shall preside over the Courts of First Instance of Cagayan, Batanes and the Subprovince of Apayao, Mountain Province; one judge with permanent residence in the Province of Isabela, shall preside over the Courts of First Instance of Isabela and Nueva Vizcaya; one judge shall preside over the Court of First Instance of, and reside in the Province of Ilocos Norte; and another with permanent residence in the Province of Ilocos Sur, shall preside over the Courts of First Instance of Ilocos Sur and Abra.

SEC. 2. The third paragraph of section one hundred and sixty-one of the Administrative Code, as amended by Commonwealth Acts Numbered One hundred and forty-five, Three hundred and forty-eight and Five hundred and forty, is further amended to read as follows:

"In the First District: First branch at Tuguegarao, Province of Cagayan, on the first Tuesday of January of each

year; at Tuao or Abulug, in the discretion of the judge, on the first Tuesday of October of each year for cases coming from the Subprovince of Apayao; second branch at Aparri, Province of Cagayan, on the first Tuesday of January of each year; at Santo Domingo de Basco, Province of Batanes, on the first Tuesday of August of each year. A special term of court shall be held once a year in the municipalities of Abulug and Tuao, both of the Province of Cagayan, and twice a year in the municipality of Echague and once a year in the municipality of Cabaingan, both in the Province of Isabela, in the discretion of the district judge; at Bayombong, Province of Nueva Vizcaya, on the second Tuesday of February, June and October of each year; at Bangued, Province of Abra, on the first Tuesday of March, and October of each year.

SEC. 3. To carry out the provision of this Act, there is appropriated, out of any funds in the National Treasury not otherwise appropriated, the sum of fifteen thousand pesos, or so much thereof as may be necessary, for the payment of the salaries of the additional judges herein provided and of the necessary personnel, the purchase of supplies or equipment, and for traveling, and other sundry expenses.

SEC. 4. This Act shall take effect upon its approval.

Enacted, without Executive approval, June 22, 1941.

55907



[No. 4133]

AN ACT TO AMEND SECTION ONE HUNDRED SIXTY-ONE OF THE REVISED ADMINISTRATIVE CODE AS AMENDED BY ACT NUMBERED FOUR THOUSAND AND SIXTY.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section one hundred and sixty-one of the Revised Administrative Code, as amended by section four of Act Numbered Four thousand and sixty, is hereby further amended to read as follows:

"SEC. 161. *Places and times of holding court.*—For the Ninth Judicial District, court shall be held in the City of Manila, and in other districts which comprise not more than one province as well as in those districts which comprise more than one province and for which, under the provisions of this Act two judges are commissioned, court shall be held, at the capital of the province in which said judges are permanently stationed, except as hereinafter provided. In said districts, sessions of court shall be convened on all workdays when there are cases ready for trial or other court business to be dispatched.

"In the following districts, court shall be held at the places and times hereinbelow specified:

"*First District:* At Tuguegarao, Province of Cagayan, on the first Tuesday of June of each year; at Aparri, Province

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of Cagayan, on the first Tuesday of January of each year; at Santo Domingo de Basco, Province of Batanes, on the first Tuesday of March of each year. A special term of court shall also be held once a year in the municipalities of Abulug and Tuao, both of the Province of Cagayan, in the discretion of the court.

"Second District: At Ilagan, Province of Isabela, on the first Tuesday of February and July of each year; at Bayombong, Province of Nueva Vizcaya, on the second Tuesday of January and June of each year.

"Third District: At Bangued, Province of Abra, on the first Tuesday of March and October of each year; at Vigan, Province of Ilocos Sur, on the first Tuesday of June and December of each year.

"Fourth District: At San Fernando, Province of La Union, on the first Tuesday of January and September of each year; at Baguio, Mountain Province, on the first Tuesday of June and December of each year; at Kiangan, Mountain Province, on the first Tuesday of March and November of each year; at Bontoc, Mountain Province, on the second Tuesday of March and November of each year. Whenever the interests of the administration of justice so require, special terms of court may be held at Lubuagan, Subprovince of Kalinga, and at Cabugao, Subprovince of Apayao.

"Fifth District: At Iba, Province of Zambales on the first Tuesday of March and November of each year; at Lingayen, Province of Pangasinan, on the first Tuesday of June and December of each year; at Tayug, same province, on the first Tuesday of February of each year.

"Tenth District: At Balanga, Province of Bataan, on the first Tuesday of January and June of each year; at Pasig, Province of Rizal, on the first Tuesday of March and August of each year.

"Twelfth District: At Batangas, Province of Batangas, on the first Tuesday of January, June, and November of each year; at Calapan, Province of Mindoro, on the second Tuesday of February and the fourth Tuesday of September

of each year; at San Jose, Province of Mindoro, on the second Tuesday of March of each year; and at Lubang, Lubang Island, Province of Mindoro, on the fourth Tuesday of March of each year, or whenever the judge with the authorization of the Secretary of Justice may so order.

"Thirteenth District: At Lucena, Province of Tayabas, on the first Tuesday of January and July of each year; at Infanta, Province of Tayabas, for the municipalities of Infanta, Casiguran, Baler, and Polillo, on the first Tuesday of June of each year; at Boac, Province of Marinduque, on the first Tuesday of March of each year.

"Fourteenth District: At Naga, Province of Camarines Sur, on the first Tuesday of June and September of each year; at Daet, Province of Camarines Norte, on the first Tuesday of March and August of each year.

"Fifteenth District: At Legaspi, Province of Albay, on the first Tuesday of January, June, and November of each year; at Virac, Subprovince of Catanduanes, on the first Tuesday of March and September of each year; at Sorsogon, Province of Sorsogon, on the first Tuesday of January, June, and November of each year; at Masbate, Province of Masbate, on the second Tuesday of March and September of each year.

"Sixteenth District: At Capiz, Province of Capiz, on the first Tuesday of January and June of each year; and at Romblon, Province of Romblon, on the first Tuesday of March and November of each year.

"Nineteenth District: At Dumaguete, Province of Oriental Negros, on the first Tuesday of July and October of each year; at Larena, Subprovince of Siquijor, on the first Tuesday of August of each year.

"Twentieth District: At Catbalogan, Province of Samar, on the first Tuesday of June and November of each year; at Borongan, same province, on the second Tuesday of July of each year; at Catarman, same province, on the first Tuesday of March of each year; at Guiuan, same province, on the second Tuesday of February of each year; at Calbayog, same province, on the second Tuesday of Sep-

tember of each year; and at Laoang, of the same province, on the first Tuesday of October of each year.

"Twenty-first District: At Tacloban, Province of Leyte, on the first Tuesday of January and June of each year; at Maasin, same province, on the first Tuesday of March and September of each year; and at Ormoc, same province, on the first Tuesday of December of each year.

"Twenty-third District: At Oroquieta, Province of Occidental Misamis, on the first Tuesday of December and June of each year; and at Tagbilaran, Province of Bohol, on the first Tuesday of February and August of each year.

"Twenty-fourth District: At Surigao, Province of Surigao, on the first Tuesday of January and June of each year; at Cantilan, same province, on the second Tuesday of August of each year; at Butuan, Province of Agusan, on the first Tuesday of March and October of each year. A special term of court shall also be held once a year in either the municipality of Tandag or the municipality of Hinatuan, Province of Surigao, in the discretion of the court. At Mambajao, Province of Oriental Misamis, on the first Tuesday of March of each year; at Cagayan, Province of Oriental Misamis, on the first Tuesday of January, June, and November of each year; at Malaybalay, Province of Bukidnon, on the first Tuesday of December of each year. A special term of court shall also be held once a year either in the municipality of Talisayan, or in the municipality of Gingoog, Province of Oriental Misamis, in the discretion of the court; at Iligan, Province of Lanao, on the first Tuesday of September of each year, but the September term for the Province of Lanao may be held at Dansalan, Province of Lanao in the discretion of the court.

"Twenty-fifth District: At Dipolog, Province of Zamboanga, on the first Tuesday of January and June of each year; at Jolo, Province of Sulu, on the first Tuesday of March and November of each year; at Zamboanga, Province of Zamboanga, on the first Tuesday of February and August of each year. The office of the clerk of court of

First Instance of Dapitan, Province of Zamboanga, is hereby transferred to Dipolog, same province.

"Twenty-sixth District: At Davao, Province of Davao, on the first Tuesday of January and June of each year; at Cotabato, Province of Cotabato, on the first Tuesday of March and November of each year; at Glan, Province of Cotabato, and at Baganga and Mati, Province of Davao, terms of court shall be held at least once a year on the dates to be fixed by the court.

"Twenty-seventh District: At San Jose, Province of Antique, on the first Tuesday of March and August of each year; at Culasi, same province, on the first Tuesday of December of each year; at Coron, Province of Palawan, on the first Monday of January and June of each year; at Cuyo, same province, on the second Thursday of January and June of each year; and at Puerto Princesa, same province on the fourth Wednesday of January and June of each year.

"Notwithstanding the provisions of this section, whenever weather conditions, the condition of the roads or means of transportation, the number of cases, or the interests of the administration of justice require it, a judge may, with the approval of the Secretary of Justice, advance or postpone the term of court or transfer the place of holding the same to another municipality within the same judicial district; and, in the land registration cases, to any other place more convenient to the parties."

SEC. 2. This Act shall take effect on its approval.

Approved, November 22, 1934.

288564



[COMMONWEALTH ACT NO. 540]

AN ACT TO ALTER THE TIMES AND PLACES OF HOLDING SESSIONS OF COURTS OF FIRST INSTANCE IN THE PROVINCES OF ISABELA, NUEVA VIZCAYA, CAPIZ, AND SURIGAO, BY AMENDING CERTAIN PARAGRAPHS OF SECTION ONE HUNDRED AND SIXTY-ONE OF THE ADMINISTRATIVE CODE, AS AMENDED.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The third, eighth, and tenth paragraphs of section one hundred and sixty-one of Act Numbered Twenty-seven hundred and eleven, as amended by Commonwealth Act Numbered Three hundred and forty-eight, are further amended to read as follows:

"In the First District: At Aparri, Province of Cagayan, on the first Tuesday of January of each year; at Santo Domingo de Basco, Province of Batanes, on the first Tuesday of March of each year. A special term of court shall also be held once a year in the municipalities of Abulug and Tuao, both of the Province of Cagayan, and twice a year in the municipality of Echague and once a year in the municipality of Cabagan, both of the Province of Isabela, in the discretion of the district judge: *Provided, however,* That cases coming from the Subprovince of Apayao may be tried in the municipality of Abulug or Tuao, Province of Cagayan, in the discretion of the district judge; at Bayombong, Province of Nueva Vizcaya, on the second Tuesday of February, June, and October of each year; at Bangued, Province of Abra, on the first Tuesday of March and October of each year.

"In the Seventh District: At Kalibo, Capiz, not to exceed two months in each year, to be set at the discretion of the judge of the district with the approval of the Secretary of Justice; at Romblon, Province of Romblon, on the first Tuesday of March and November of each year; at San Jose, Province of Antique, on the first Tuesday of February, June, and October of each year; at Culasi, Province of Antique, on the first Tuesday of December of each year, and at Larena, Subprovince of Siquijor, on the first Tuesday of August of each year.

"In the Ninth District: At Oroquieta, Province of Occidental Misamis, on the first Tuesday of December and June of each year; at Surigao, Province of Surigao, on the first Tuesday of January, February, and July of each year; at Cantilan, same province, on the second Tuesday of August of each year; at Butuan, Province of Agusan, on the first Tuesday of March and October of each year; a special term of court shall also be held once a year in either the municipality of Tandag or the municipality of Hinatuan, Province of Surigao, in the discretion of the district judge; at Mambajao, Province of Oriental Misamis, on the first Tuesday of March of each year; at Malaybalay, Province of Bukidnon, on the first Tuesday of December of each year. A special term of court shall also be held once a year either in the municipality of Talisayan or in the municipality of Gingoog, Province of Oriental Misamis, in the discretion of the district judge; at Iligan, Province of Lanao, on the first Tuesday of September of each year, but the September term for the Province of Lanao may be held at Dansalan, Province of Lanao, in the discretion of the district judge; at Dipolog, Province of Zamboanga, on the first Tuesday of January and June of each year; at Jolo, Province of Sulu, on the first Tuesday of March and October of each year. The office of the clerk of Court of First Instance of Dapitan, Province of Zamboanga, is hereby transferred to Dipolog, same province. At Cotabato, Province of Co-

tabato, on the first Tuesday of March and November of each year; at Glan, same province, and at Baganga and Mati, Province of Davao, terms of court shall be held at least once a year on the dates to be fixed by the district judge."

SEC. 2. This Act shall take effect upon its approval.

Approved, May 26, 1940.

43526



[COMMONWEALTH ACT No. 92]

AN ACT AUTHORIZING THE APPOINTMENT OF
REGISTER OF DEEDS FOR THIRD, FOURTH AND
FIFTH-CLASS PROVINCES.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section one hundred and ninety-two of the Revised Administrative Code, as amended by section twenty-eight of Act Numbered Four thousand and seven, is hereby further amended to read as follows:

"SEC. 192. *Office of the register of deeds.*—There shall be a register of deeds for the City of Manila and one for each of the first and second-class provinces, except the Mountain Province where there shall be two: one for the Subprovince of Benguet, including the City of Baguio, and another for the rest of the province. There shall also be one for any of the other provinces, whenever the Secretary of Justice will certify to the advisability of the appointment in the interest of the public service. In the third, fourth and fifth-class provinces for which no register of deeds has been appointed, the provincial fiscal shall be the register of deeds *ex officio* of the province."

SEC. 2. This Act shall take effect on its approval.

Approved, October 27, 1936.

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[No. 4179]

AN ACT TO AMEND SECTION TWO HUNDRED AND SEVEN OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, KNOWN AS THE ADMINISTRATIVE CODE, AS AMENDED BY ACT NUMBERED FOUR THOUSAND AND FIFTY-SEVEN.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section two hundred and seven of Act Numbered Twenty-seven hundred and eleven, commonly known as the Administrative Code, as amended by section twenty-seven of Act Numbered Four thousand and fifty-seven, is hereby further amended to read as follows:

"SEC. 207. *Qualifications for the office of justice of the peace.*—No person shall be eligible to appointment as justice of the peace or auxiliary justice of the peace unless he shall be (1) at least twenty-three years of age; (2) a citizen of the Philippine Islands or of the United States; (3) of good moral character and not convicted of any felony; and (4) admitted by the Supreme Court to practice law, if there be any available; if not, he shall be a person who has at least finished the courses of legal study in a recognized school, or shall have passed the civil service examination for clerk of court. As vacancies occur, the Department Head may group municipalities into circuit courts, composed of at least two municipalities: *Provided, however,* That the capital of the province shall not be grouped with any other municipality except in fourth or fifth-class provinces, if the Secretary of Justice so directs:

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Provided, further, That any designation or appointment that has heretofore been made of any justice of the peace of a provincial capital except in a fourth or fifth-class province to act as such in any other municipality shall, from the date of the taking effect of this Act, be considered as cancelled and of no effect: *And provided, finally,* That the Secretary of Justice may, upon the recommendation of the judge of first instance concerned, designate the justice of the peace of the capital of a province or subprovince as clerk of court *ex officio* of said province or subprovince.

"No person shall be appointed judge of the Municipal Court of the City of Manila and of the provincial capitals unless he shall have practiced law in the Philippine Islands for a period of five years; and no person shall be appointed justice of the peace of any first-class municipality unless he has been admitted to the bar by the Supreme Court of the Philippine Islands. It shall be the duty of the Secretary of Justice, with the consent of the Senate, in the case of municipalities which have been or may be promoted to the first class or have become or may become provincial capitals, to transfer to other municipalities any incumbent of the office of justice of the peace who is not a member of the bar."

SEC. 2. This Act shall take effect on its approval.

Approved, December 6, 1934.

288702



[COMMONWEALTH ACT No. 101]

AN ACT TO AMEND SECTION TWO HUNDRED AND SEVEN OF ACT NUMEERED TWENTY-SEVEN HUNDRED AND ELEVEN KNOWN AS THE ADMINISTRATIVE CODE, AS AMENDED BY ACT NUMBERED FOUR THOUSAND AND FIFTY-SEVEN AND ACT NUMBERED FOUR THOUSAND ONE HUNDRED AND SEVENTY-NINE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section two hundred and seven of Act Numbered Twenty-seven hundred and eleven, commonly known as the Administrative Code, as amended by section twenty-seven of Act Numbered Four thousand and fifty-seven and Act Numbered Four thousand one hundred and seventy-nine, is hereby further amended to read as follows:

"SEC. 207. *Qualifications for the office of justice of the peace.*—No person shall be eligible to appointment as justice of the peace or auxiliary justice of the peace unless he shall be (1) at least twenty-three years of age; (2) a citizen of the Philippines; (3) of good moral character and not convicted of any felony; and (4) admitted by the Supreme Court to practice law. As vacancies occur, or when the proper administration of justice so demands, the Department Head may group municipalities into circuit courts, composed of at least two municipalities: *Provided, however,* That the capital of the province shall not be grouped with any other municipality except in fourth- or fifth-class provinces, or the Mountain Province and the specially organized provinces, if the Secretary of Justice

so directs: *Provided, further,* That any designation or appointment that has heretofore been made of any justice of the peace of a provincial capital except in a fourth- or fifth-class province or the Mountain Province and the specially organized provinces, to act as such in any other municipality shall, from the date of the taking effect of this Act, be considered cancelled and of no effect: *And provided, finally,* That the Secretary of Justice may, upon the recommendation of the judge of first instance concerned, designate the justice of the peace of the capital of a province or subprovince as clerk of court *ex officio* of said province or subprovince.

"No person shall be appointed judge of the Municipal Court of the City of Manila and of the provincial capitals unless he shall have practiced law in the Philippines for a period of five years, or being a qualified lawyer, shall during a like period have held in the Philippines the position of provincial fiscal, deputy provincial fiscal, clerk or deputy clerk of a court of first instance, or assistant attorney in the Bureau of Justice."

SEC. 2. This Act shall take effect upon its approval.

Approved, October 28, 1936.

3072



[COMMONWEALTH ACT No. 331]

AN ACT PROVIDING GRATUITY TO JUSTICES OF THE PEACE WHO WERE SEPARATED FROM THE SERVICE AS A RESULT OF THE OPERATION OF THE CONSTITUTION, AND THE REORGANIZATION OF THE JUSTICE OF THE PEACE COURTS IN ACCORDANCE WITH COMMONWEALTH ACT NUMBERED ONE HUNDRED AND ONE, AND JUSTICES OF THE PEACE WHO AT SIXTY-FIVE YEARS OR OVER CEASED TO HOLD OFFICE ON OR AFTER NOVEMBER SIXTEEN, NINETEEN HUNDRED AND THIRTY-ONE, AND TO THOSE WHO SHALL RETIRE FROM THE SERVICE, AND APPROPRIATING FUNDS THEREFOR.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. All justices of the peace who, prior to their separation from the service as a result of the operation of Article Fifteen, Section Four of the Constitution of the Philippines, and of Commonwealth Act Numbered One hundred and one, have been rendering continuous, faithful and satisfactory service for at least six years, as certified to by the Commissioner of Civil Service and the Secretary of Justice, are hereby considered retired and entitled to a gratuity equal to one month salary for every year of service rendered and the proportionate amount of any fraction thereof: *Provided, however,* That no such gratuity shall exceed the salary for two years.

SEC. 2. The gratuity provided in the preceding section shall be based on the highest basic rate of salary received

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and shall be paid monthly at the rate of thirty-three and one-third per centum of the monthly salary; *Provided, however,* That with the approval of the Secretary of Justice, the retiring justice of the peace may, subject to such rules and regulations as may be approved by the Secretary of Finance, sell, transfer or cede his right to the gratuity payments, to any investment fund under the control of the Government of the Commonwealth of the Philippines, or to any bank duly authorized to transact business in the Philippines: *And provided, further,* That the gratuity provided for in this Act shall not be attached or levied upon in execution.

SEC. 3. In the event of the death of the justice of the peace declared retired under the provisions of this Act, any gratuity or part thereof due him shall be paid to his legitimate heir or heirs, or, if discounted under the provisions of section two hereof, then to the investment fund under the control of the Government of the Commonwealth of the Philippines, or to the bank to which the right to such gratuity may have been ceded.

SEC. 4. A justice of the peace declared retired under the provisions of this Act may be reappointed to any position in the National Government, but by accepting such reappointment, he shall forever waive all future gratuity payments and/or claims under the provisions of this Act. Similarly, a retired justice of the peace who, under the provisions of section two hereof, has discounted the gratuity payments to which he is entitled shall, upon his reappointment to any position in the National Government, first refund to the investment fund or to the bank to which he has ceded his rights to the gratuity payments, those which he would not yet have received had these been made to him in monthly installments: *Provided, That,* upon being satisfied that the financial situation of a retired justice of the peace reappointed to any position in the National Government does not allow his making the refund herein required, the respective Department Head may authorize the payment of the sum to be refunded in monthly install-

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ments equivalent to one-third of the sums being paid by the National Government to the investment fund or bank, to be deducted from the monthly payment accruing to such retired and reappointed justice of the peace after reappointment, such monthly deduction to continue until the last monthly installment payable by the National Government to the investment fund or bank and the remaining two-thirds or the unpaid part thereof remaining uncollected at the end of each month from the salary of the justice of the peace concerned shall have been paid in full.

SEC. 5. Justices of the peace who have completed the age of sixty-five years or over and have ceased to hold office on or after November sixteen, nineteen hundred and thirty-one, shall also be entitled to the gratuity provided in this Act,

SEC. 6. The necessary sum to carry out the purposes of this Act is hereby appropriated out of any funds in the Philippine Treasury not otherwise appropriated.

SEC. 7. This Act shall take effect upon its approval, and the provisions thereof may also apply to those who may request retirement or take advantage of the benefits of this Act on or before the thirty-first day of December, nineteen hundred and thirty-eight.

SEC. 8. This Act shall take effect upon its approval.

Approved, June 18, 1938.

19620



[No. 4144]

AN ACT TO PROVIDE THAT THE EMPLOYEES OF JUSTICE OF THE PEACE COURTS SHALL BE APPOINTED BY THE RESPECTIVE JUSTICES OF THE PEACE, AMENDING SECTION TWO HUNDRED AND THIRTEEN OF THE ADMINISTRATIVE CODE, AS AMENDED, ACCORDINGLY.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section two hundred and thirteen of Act Numbered Twenty-seven hundred and eleven, known as the Revised Administrative Code, as last amended by Act Numbered Thirty-four hundred and sixty-four, is hereby further amended to read as follows:

SEC. 213. *Clerks and employees of municipal and justice of the peace courts.*—The Municipal Court of the City of Manila and the courts of the provincial capitals and first class municipalities shall have such clerks of court and other employees as may be necessary at the expense of said city and municipalities. The justice of the peace courts of Iloilo, Cebu, and Lingayen shall each have two clerks, at the expense of the respective municipalities.

“In other municipalities, the municipal councils may allow the justices of the peace one clerk each, at the expense of the respective municipalities, with a salary not to exceed three hundred and sixty pesos per annum.

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"With the exception of the clerks and employees of the Municipal Court of the City of Manila, all employees mentioned in this section shall be appointed by the respective justices of the peace."

SEC. 2. All acts and provisions of law inconsistent herewith are hereby repealed.

SEC. 3. This Act shall take effect on its approval; but no new appointments of employees of justice of the peace courts shall be made to replace the present incumbents until these resign or are removed from office, in accordance with law.

Approved, November 26, 1934.

288864



[COMMONWEALTH ACT NO. 299]

AN ACT TO AMEND SECTION TWO HUNDRED AND TWENTY OF THE ADMINISTRATIVE CODE, INCREASING THE SALARIES OF JUSTICES OF THE PEACE, AND PROVIDING FUNDS THEREFOR.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section two hundred and twenty of the Administrative Code, is amended so as to read as follows:

"SEC. 220. *Salaries of justices of peace.*—Except as provided in the next succeeding section, justices of the peace shall receive the following salaries *per annum*:

"(a) In municipalities of the first class, from one thousand two hundred to one thousand four hundred forty pesos;

"(b) In municipalities of the second class, from one thousand eighty to one thousand two hundred pesos;

"(c) In municipalities of third class and fourth class, municipal districts and other places not specially provided for by law, from nine hundred and sixty to one thousand eighty pesos.

"*Provided, That* the Secretary of Justice shall, with the approval of the President, fix the salary of each justice of the peace within the above limitations, taking into consideration, among other things, the number of cases docketed in his court and the accessibility and means of transportation available between the different municipalities under his jurisdiction: *Provided, further, That* when a justice of the peace is appointed to act as justice of the peace of a district composed of two or more municipalities, or when he is designated to act temporarily in one or more municipalities in addition to his own municipality or dis-

trict, in the first case, he shall be entitled to the salary of the largest municipality in his district, plus seventy-five *per centum* of the salary for the other municipality or municipalities therein; and, in the second case, he shall be entitled to the salary of his municipality or district, plus seventy-five *per centum* of the salary for each municipality in which he is temporarily designated to act; but in no case shall he be entitled to an aggregate salary of more than two thousand and four hundred pesos per annum: *And, provided, finally,* That the capital of a province shall not be grouped with any municipality and that no justice of the peace of the capital of any province or subprovince shall receive a salary less than one thousand eight hundred pesos per annum."

SEC. 2. To carry out the purposes of this Act, there is hereby appropriated, out of any funds in the National Treasury, the sum of three hundred sixty three thousand four hundred sixty pesos.

SEC. 3. This Act shall take effect upon its approval.

Approved, June 9, 1938.

19404



[COMMONWEALTH ACT No. 514]

AN ACT TO AMEND THE SECOND PARAGRAPH OF
SECTION TWO HUNDRED AND THIRTY-THREE
OF THE ADMINISTRATIVE CODE

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The second paragraph of section two hundred and thirty-three of the Administrative Code is amended to read as follows:

"In chartered cities and in the capitals of the provinces, where there are two or more lawyers appointed as notaries public, no person other than a lawyer or a person who had qualified to hold the office of notary public under the Spanish sovereignty shall hold said office."

SEC. 2. This Act shall take effect on its approval.

Approved, March 12, 1940.

41618



[COMMONWEALTH ACT No. 72]

AN ACT TO PROVIDE THAT NOTARIES PUBLIC SHALL FORWARD AT CERTAIN PERIODS COPIES OF ALL DOCUMENTS ACKNOWLEDGED BEFORE THEM TO THE CLERK OF THE CORRESPONDING COURT OF FIRST INSTANCE AND FOR PUNISHMENT IN THE EVENT OF FAILURE TO COMPLY WITH THE PROVISIONS OF SECTIONS TWO HUNDRED FORTY-SIX AND TWO HUNDRED FORTY-SEVEN OF THE REVISED ADMINISTRATIVE CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The last paragraph of section two hundred and forty-six of Act Numbered Twenty-seven hundred and eleven, known as the Revised Administrative Code, as amended by Act Numbered Three thousand and sixty-eight, is hereby further amended to read as follows:

"A certified copy of each month's entries as described in this section and a certified copy of any instrument acknowledged before them shall within the first ten days of the month next following be forwarded by the notaries public to the clerk of the Court of First Instance of the province and shall be filed under the responsibility of such officer: *Provided*, That if there is no entry to certify for the month, the notary shall forward a statement to this effect in lieu of the certified copies herein required."

SEC. 2. Section twenty-six hundred and thirty-three of the same Act, is hereby amended to read as follows:

"SEC. 2633. *Failure of notary public to certify payment of cedula tax, and so forth.*—Any notary public who upon

taking the acknowledgment to any document shall fail to certify the fact of the payment of the cedula tax by the parties thereto, as required by law, or who shall fail to comply with the requirements of sections two hundred and forty-six and two hundred and forty-seven of these Code, shall be summarily dismissed from office and punished by a fine of one hundred pesos."

SEC. 3. This Act shall take effect as provided in section eleven of the Revised Administrative Code.

Approved, October 23, 1936.

3774



MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 174

PRESCRIBING RULES TO GOVERN THE RATES OF COMPENSATION AT WHICH NEW APPOINTMENTS AND PROMOTIONS IN THE POSITIONS SUBJECT TO THE PROVISIONS OF COMMONWEALTH ACT NO. 402 MAY BE AUTHORIZED.

In view of the repeal of section two hundred and sixty-five of the Administrative Code by Commonwealth Act Numbered Four hundred and two, entitled "An Act to provide for the classification of civilian positions and standardization of salaries in the Government," and upon the recommendation of the Salary Board, I, Manuel L. Quezon, President of the Philippines, by virtue of the authority in me vested by the Constitution and the laws, do ordain and promulgate the following:

1. Whenever appointments, whether original, by transfer, reinstatement or promotion, are to be made to positions subject to the provisions of Commonwealth Act Numbered Four hundred and two, only the following rates of compensation provided in section three thereof shall be given, instead of those provided in section two hundred sixty-five of the Administrative Code:

Grade	Rates of compensation			
		P5,100	P5,400	P6,000
1.....		P3,960	4,200	4,500
2.....		3,120	3,300	3,480
3.....		2,400	2,580	2,760
4.....		1,920	2,040	2,160
5.....		1,440	1,560	1,680
6.....		960	1,080	1,200
7.....		720	780	840
8.....		480	540	600
9.....				360
10.....				420

2. Promotions shall be either regular or special:

(a) *Regular* promotions are those in which the increase in salary is from one rate to the next higher rate within the

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grade, as above provided, either after the prescribed probationary period, or after one year from the date of the last promotion.

(b) *Special* promotions are those which involve: (a) increase in salary of more than one rate; or (b) promotion from one grade to the next grade even if it involves increase in salary of only one rate; or (c) increase in salary before the expiration of one year from the date of the last promotion or of the prescribed probationary period.

3. All appointments—original, by transfer, reinstatement, or promotion—shall be submitted by the Chief of the Bureau or Office through the Commissioner of Civil Service to the corresponding Department Head. Special promotions as above defined shall be submitted through the Salary Board.

4. The Salary Board shall determine the entrance salaries for the positions subject to the provisions of Commonwealth Act Numbered Four hundred and two, except those positions the entrance salaries of which do not exceed grade nine.

5. This Order shall not be understood as in any way altering or modifying the present regulations requiring approval of certain promotions and appointments by the President or the Cabinet as the case may be.

6. All executive and administrative orders or parts thereof which are inconsistent with this Order are hereby revoked.

Done at the City of Manila, this seventh day of November, in the year of Our Lord, nineteen hundred and thirty-eight, and of the Commonwealth of the Philippines, the third.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS
Secretary to the President

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[COMMONWEALTH ACT No. 402]

AN ACT TO PROVIDE FOR THE CLASSIFICATION OF
CIVILIAN POSITIONS AND STANDARDIZATION
OF SALARIES IN THE GOVERNMENT.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. *Scope.*—The provisions of this Act shall apply to all officers and employees of the National Government embraced in the classified and unclassified civil service, except (a) elective officers and officers whose compensation is fixed in the Constitution; (b) officers chosen by the National Assembly, in accordance with the Constitution; (c) employees stationed outside the territorial limits of the Philippines; (d) the President, deans of colleges, directors of schools, the registrar, the business director and members of the teaching staff of the University of the Philippines; (e) commissioned and enlisted members in the active service of the Philippine Army; (f) persons in the military, naval, or civil service of the United States who may be appointed or detailed to perform duties in the Government of the Commonwealth; and (g) employees who may be declared by the President of the Philippines as primarily confidential or highly technical.

SEC. 2. *Definitions.*—As used in this Act:

(a) The term "class" means a position or group of positions sufficiently similar in respect to the duties and responsibilities thereof that the same requirements as to education, experience, knowledge, and ability are demanded of incumbents; the same tests of fitness are used to choose

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qualified appointees; and the same rate of compensation is made to apply with equity. The distinction between classes shall be based upon any essential difference in the nature, importance, difficulty, responsibility, or value of the work.

(b) The term "grade" means a horizontal division of a service or group for which approximately the same level of compensation and comparable basic qualifications is prescribed, the distinction between grades being based upon differences in the importance, difficulty, responsibility, and value of the work.

(c) The term "group" means a vertical division of a service embracing positions pertaining to the same line of profession, vocation, employment, occupation, or specialization.

(d) The term "compensation" means any salary, wage, fee, allowance, or other emoluments accruing or paid to an employee occupying a position.

(e) The term "Board" means "The Salary Board."

SEC. 3. *Schedule of grades and rates of compensation.*—With the exception of the special groups provided in section five hereof, the positions to which this Act applies are classified into ten grades. Such grades and their rates of annual compensation are as follows:

Grade	Rates of compensation			
		₱5,100	₱5,400	₱6,000
1		4,200	4,500	4,800
2	₱3,960	3,300	3,480	3,720
3	3,120	2,580	2,760	2,940
4	2,400	2,040	2,160	2,280
5	1,920	1,560	1,680	1,800
6	1,440	1,080	1,200	1,320
7	960	780	840	900
8	720	540	600	660
9	480		360	420
10				

(a) Grade 1 shall include all classes of positions the duties of which are, under administrative direction and with very wide latitude for the exercise of independent judgment, to serve as head of a very large or very important division or other unit of organization of similar import, engaged in

work involving technical training and extended experience on the part of the employees; or to supervise the design and installation of complex and important accounting, office, or institutional system, methods, and procedures; or to plan, organize, and conduct investigations in original research or in development work in professional, scientific, or technical fields; or to perform the most important, difficult, and responsible work along highly specialized professional, scientific, or technical lines, requiring training, extended experience, and demonstrated attainments of an exceptionally high order.

(b) Grade 2 shall include all classes of positions the duties of which are, under administrative direction and with wide latitude for the exercise of independent judgment, to serve as head of a large or important division or other unit of organization of similar import, engaged in work involving technical training and extended experience on the part of the employees; or to plan, organize, and conduct investigations in original research or in development work in a professional, scientific, or technical field; or to perform the most important, difficult, and responsible work along specialized professional, scientific, or technical lines, requiring training, extended experience, and demonstrated attainments of a high order.

(c) Grade 3 shall include all classes of positions the duties of which are, under administrative direction and with considerable latitude for the exercise of independent judgment, to serve as head of a division or other unit of organization of similar import, engaged in work involving technical training and considerable experience on the part of the employees; or to perform exceptionally difficult, important, and responsible work along professional, scientific, and technical lines, requiring training and extended experience and demonstrated attainments or along very highly specialized clerical lines requiring extended training and mastery in stenography, translation, or other kindred subjects.

(d) Grade 4 shall include all classes of positions the duties of which are, under direction and with considerable latitude for the exercise of independent judgment, to serve as head of a small division, or of a very large or very important section, or other unit of organization of similar import, engaged in work involving technical training and considerable experience on the part of the employees; or to perform very difficult, important, and responsible work along professional, scientific, or technical lines, requiring training, considerable experience, and demonstrated executive ability, or along highly specialized clerical work, requiring training, extended experience and proficiency in stenography, or translation and kindred subjects.

(e) Grade 5 shall include all classes of positions the duties of which are, under direction and with considerable latitude for the exercise of independent judgment, to serve as head of a large section or other unit of organization of similar import, engaged in difficult specialized work; or to perform difficult, important, and responsible work along professional, scientific, technical or specialized clerical lines, requiring training, considerable experience, and demonstrated capacity for sound independent work, and an intimate knowledge of a special subject matter, and/or superior skill in crafts or arts.

(f) Grade 6 shall include all classes of positions the duties of which are, under direct supervision and with substantial latitude for the exercise of independent judgment, to serve as head of a section or other unit of organization of similar import, engaged in varied and difficult work; or to perform moderately difficult, important, and responsible work along professional, scientific, technical, or specialized clerical lines, requiring training and moderate experience, or a lower training but considerable experience, thorough knowledge of a special subject matter, and/or unusual skill in crafts or arts.

(g) Grade 7 shall include all classes of positions the duties of which are, under general supervision and with some latitude for the exercise of independent judgment, to serve as head of a small section or other unit of organization of similar import, engaged in difficult but routine work; or to perform somewhat difficult, and responsible work along professional, scientific, or technical lines, or along clerical lines, requiring training and moderate experience, or lower training but considerable experience, and a good knowledge of a special subject matter; or skill in arts, crafts, or trades.

(h) Grade 8 shall include all classes of positions the duties of which are, under immediate or general supervision and with some latitude for the exercise of independent judgment, to perform responsible work along technical or clerical lines, requiring training and moderate experience, and a broad knowledge of a special subject matter; or simple elementary work requiring scientific or professional training with little or no experience; or subordinate professional or scientific work requiring training and experience; or important, difficult, and responsible subordinate vigilance work; or skill in crafts or manual labor.

(i) Grade 9 shall include all classes of positions the duties of which are, under immediate or general supervision and with limited latitude for the exercise of independent judgment, to perform simple but responsible work along technical, clerical, messengerial, or subordinate vigilance lines; or simple and elementary subordinate professional or scientific tasks, or semi-skilled crafts or manual labor, requiring training or advanced apprenticeship in subordinate professional or scientific work, or crafts.

(j) Grade 10 shall include all classes of positions the duties of which are, under immediate supervision, to perform the simplest routine clerical, messengerial, or custodial tasks, or unskilled manual labor, including apprenticeship in subordinate professional or scientific work or crafts.

SEC. 4. *Services established by this Act.*—The following services are established:

- I. Administrative Service
- II. Professional and Scientific Service
- III. Educational Service
- IV. Navigation Service
- V. Vigilance Service
- VI. Subprofessional Service
- VII. Craft and Labor Service

The *Administrative Service* shall include all groups comprehending positions the duties of which are in general to perform administrative, fiscal, or clerical work, or any other work commonly associated with office, business or fiscal administration. There shall be ten grades in this service.

The *Professional and Scientific Service* shall include all groups comprehending positions the duties of which are to perform routine, advisory, administrative, or research work which is based upon the established principles of a profession or science, and which requires professional or scientific training equivalent to that represented by graduation from a college or university of recognized standing. There shall be eight grades in this service, the highest of which being Grade 1 and the lowest Grade 8.

The *Educational Service* shall include all groups comprehending positions the duties of which in general are to give or to supervise regular and systematic instruction designed to develop the mental, physical, aesthetic, or vocational powers, including manual skill. There shall be nine grades in this service, the highest of which being Grade 1 and the lowest Grade 9.

The *Navigation Service* shall include all groups comprehending positions the duties of which are to perform work related to the operation, maintenance, and administration of airships, vessels and other floating craft which are not a part of the equipment of the Philippine Army, including the operation, maintenance, and administration of property designed to aid navigation. There shall be ten grades in this service.

The *Vigilance Service* shall include all groups comprehending positions the duties of which are to perform or supervise police or fire-protection work, the guarding of persons or property under the custody of the Government, the preservation of law and order, and the protection of life and property. There shall be ten grades in this service.

The *Subprofessional Service* shall include all groups comprehending positions the duties of which are to perform work which is incident, subordinate, or preparatory to the work of employees holding positions in the professional and scientific service, requiring or involving professional, scientific, or technical training of any degree inferior to that represented by graduation from a college or university of recognized standing. There shall be seven grades in this service, the highest of which being Grade 4 and the lowest Grade 10.

The *Craft and Labor Service* shall include all groups comprehending positions the duties of which are to perform or supervise domestic, manual, or mechanical work involved in the execution of public works; the manufacture and handling of supplies and equipment; the repair of equipment; the operation of mechanical equipment; the transportation of personnel and property; the caring for the needs of the sick and of persons in the care and custody of the Government, and/or of persons in its employ who are entitled to maintenance; or to perform or supervise work of similar character. There shall be seven grades in this service, the highest of which being Grade 4 and the lowest Grade 10.

SEC. 5. *Special groups*.—Positions not subject to classification by the Board shall constitute the special groups, as follows:

(a) *Executive group*.—The positions included in this group and their annual rates of compensation are:

(1) The Department Secretaries, the Secretary to the President, and the Commissioner of the Budget, at twelve thousand pesos *per annum* each;

(2) The Undersecretaries of Department, the Commissioner of Civil Service, the Commissioner for Mindanao and

Sulu, the Commissioner of Health and Welfare, the Assistant Secretary to the President, and the Deputy Auditor General, at nine thousand pesos *per annum* each;

(3) The Solicitor-General and the Securities and Exchange Commissioner, at eleven thousand pesos *per annum* each;

(4) The Directors of Animal Industry, Commerce, Education, Forestry, Health, Lands, Mines, Prisons, National Library, Plant Industry, Posts, Printing, Public Welfare, Public Works, Science, Aëronautics, and Coast and Geodetic Survey; the Bank Commissioner; the Insular Collector of Customs, the Collector of Internal Revenue, the Treasurer of the Philippines, the Chief of the General Land Registration Office, and the Manager of the National Information Board, at seven thousand two hundred pesos *per annum* each: *Provided*, That when there is appropriation available, the President may authorize the payment of additional compensation of not more than eighteen hundred pesos *per annum* each to the Director of Public Works, the Director of Mines, the Insular Collector of Customs, the Collector of Internal Revenue, and the Treasurer of the Philippines;

(5) The Director of Labor, the Director of the Weather Bureau, the Director of Private Education, the Director of Adult Education, the Director of the Institute of National Language, the National Physical Director, the Assistant Solicitors General of the Bureau of Justice, the Deputy Commissioner of Civil Service, the Assistant Bank Commissioner and the Assistant Directors of the bureaus mentioned in sub-paragraph (4) hereof, at six thousand pesos *per annum*;

(b) *Judicial Group*.—The positions included in this group and their annual rates of compensations are:

(1) The Presiding Justice of the Court of Appeals, at thirteen thousand pesos *per annum*;

(2) The Associate Justices of the Court of Appeals, at twelve thousand pesos *per annum* each;

(3) The District Judges of the Court of First Instance, at ten thousand pesos *per annum* each;

(4) The Judges at large of the Courts of First Instance, at nine thousand pesos *per annum* each;

(5) The Senior Judge of the Court of Industrial Relations, at eleven thousand pesos *per annum*;

(6) Two other Judges of the Court of Industrial Relations, at ten thousand pesos each *per annum*;

(7) The Public Service Commissioner, at eleven thousand pesos *per annum*;

(8) The Deputy Public Service Commissioner, at nine thousand pesos *per annum*;

(9) The justices of the peace of the capital of the first class provinces, at three thousand six hundred pesos *per annum* each; the justices of the peace of the capital of the second class provinces at three thousand pesos *per annum* each; the justices of the peace of the capital of the third class provinces, at two thousand four hundred pesos *per annum* each; and the justices of the peace of all other provincial capitals, including the capitals of sub-provinces, at one thousand eight hundred pesos *per annum* each;

(10) The justices of the peace of first-class municipalities, from one thousand two hundred to one thousand four hundred forty pesos *per annum* each; the justices of the peace of second class municipalities, from one thousand eighty to one thousand two hundred pesos *per annum* each; the justices of the peace of third class and fourth class municipalities, municipal districts and other places not specially provided for by law, from nine hundred and sixty to one thousand eighty pesos *per annum* each: *Provided*, That the Secretary of Justice shall, with the approval of the President, fix the salary of each justice of the peace within the above limitations, taking into consideration, among other things, the number of cases docketed in his court and the accessibility and means of transportation available between the different municipalities under his jurisdiction: *Provided, further*, That when a justice of the peace is appointed to act as justice of the peace of a district composed of two or more municipalities, or when he is designated to act temporarily in one or more municipalities in addition to his own municipality or district, in the first case, he shall be entitled to the salary of the largest municipality

in his district, plus seventy-five *per centum* of the salary for the other municipality or municipalities therein; and, in the second case, he shall be entitled to the full salary of his municipality or district, plus seventy-five *per centum* of the salary for each municipality in which he is temporarily designated to act; but in no case shall he be entitled to an aggregate salary of more than two thousand and four hundred pesos per annum: *And, provided, finally*, That the capital of a province shall not be grouped with any municipality.

SEC. 6. *Deduction for privileges.*—The reasonable value, to be determined by the Board, of quarters, subsistence, laundry, domestic service and other facilities furnished employees, in accordance with law, shall be deducted from their compensation: *Provided*, That no deduction shall be made for subsistence and rental of quarters in the case of light-keepers stationed in remote and isolated places, and marine officers, petty officers, and crews of vessels and launches on board vessels to which they are assigned; nor shall deduction be made for rental of quarters for the use of barracks, outposts, guardhouses, prisons, hospitals, dormitories, and adjoining buildings and other similar structures, in the case of employees required by law or regulations to sleep or live in such quarters for the better performance of their duties; nor shall deduction be made for laundry in the case of employees of hospitals and similar institutions required by law or regulations to wear uniform, as the Board may determine in each case: *Provided, further*, That the provisions of this section shall not be enforced in any bureau or office until the rates of salaries provided in this Act shall be in effect in that bureau or office in accordance with paragraph (d) of section ten of this Act.

SEC. 7. *Compensation differentials.*—Compensation differentials may be allowed to employees in certain cases at such rate or rates as the Board may fix, in accordance with the schedules herein prescribed.

Differentials pertaining to different schedules are cumulative, but in no case may differentials exceeding in the ag-

gregate twenty-five *per centum* of the basic compensation be allowed.

Differential Schedule A.—Employees who are stationed in disease-infested places, isolation buildings or camps, or are assigned to work in stations, clinics or laboratories which offer great dangers of contagion, despite the usual precautions known to science, or are required to tend or care for mentally deranged patients, shall be entitled to a compensation differential of not to exceed fifteen *per centum* of their basic compensation, but in no case shall the amount of such compensation differential exceed two hundred forty pesos per annum.

Differential Schedule B.—Employees stationed in places subject to depredation by criminal elements and are without adequate police protection, shall be entitled to a compensation differential of not to exceed fifteen *per centum* of their basic compensation, but in no case shall the amount of such compensation differential exceed two hundred and forty pesos per annum.

Differential Schedule C.—Employees who are not in the Vigilance Service, or Navigation Service, if assigned for a period of not less than three consecutive months to work earlier than six o'clock in the morning, or later than eight o'clock in the evening, shall be entitled to a compensation differential of not to exceed ten *per centum* of their basic compensation, but in no case shall the amount of such compensation differential exceed two hundred and forty pesos per annum.

Differential Schedule D.—Employees required by law or regulations to wear uniform but are not furnished by the Government with such uniform, shall be entitled to a compensation differential of not to exceed five *per centum* of their basic compensation, but in no case shall the amount of such compensation differential exceed thirty pesos *per annum*.

SEC. 8. *Prohibition against the receiving of compensation from private persons.*—No employee shall receive compensation for his personal benefit, directly or indirectly,

in any form, whether as salary, per diem, fee, honorarium, gift, or subsistence or travel allowance, from private persons for any service rendered in his official capacity.

SEC. 9. *Salary Board*.—There is created a board, to be known as the "Salary Board", to consist of the Commissioner of Civil Service, as Chairman, and the Commissioner of the Budget and the Auditor General as members.

SEC. 10. *General powers and duties of the Board*.—The Board shall have the following powers and duties:

(a) To establish within the services the necessary groups with their corresponding grades, designating (1) the titles of the classes, (2) the duties and responsibilities involved in each class, illustrated where necessary by examples of typical tasks, and (3) the minimum qualifications required for the satisfactory performance of such duties and tasks, in conformity with the specifications outlined in sections three and four herein: *Provided, however*, That the Board may lower or waive the experiential requirement for any particular group or groups in the service below Grade 8 and graduate the experiential requirement accordingly for the high grades within the same group, if, in the opinion of the said Board, such action is for the best interest of the public service;

(b) To designate additional group or groups with their corresponding grades as necessity may arise from time to time, and to combine, divide, alter, or abolish existing groups or classes;

(c) To establish the procedure in fixing the rates of compensation in the case of (1) positions filled by inmates, patients, students, beneficiaries of government institutions, or volunteer workers, (2) positions of laborers employed in public works, and in emergency and seasonal positions, the duties of which are purely of temporary duration, (3) positions filled by part-time employees or by special assignments, and (4) positions paid on other than time basis;

(d) To classify all the positions existing on the date this Act takes effect and all positions that may thereafter

be created based on statements to be submitted by the Department Heads concerned, giving the responsibilities and duties of the said positions and the minimum qualifications required of incumbents thereof; and to fix the date the initial allocations shall take effect in each bureau or office, which date shall not be later than January first, nineteen hundred and forty, unless extended by the President of the Philippines. The Department Heads shall submit the statements herein required at the time and in the manner and form prescribed by the Board;

(e) To ascertain currently or periodically the facts as to the duties and responsibilities of any position within the scope of this Act and to determine upon its own findings the class to which any such position shall be allocated;

(f) To make all other rules and regulations and to exercise all the powers and duties not inconsistent with the provisions of this Act but necessary to carry out its provisions.

SEC. 11. *Personnel of the Board.*—Upon recommendation of the Board, the President shall designate and detail such employees of the Government or its dependencies as may be required, to assist the Salary Board to carry out the purposes of this Act. If and when necessary, the President may appoint and fix the salary of an executive officer of the Board, whose term of office shall not exceed one year.

SEC. 12. *Adjustment of compensation.*—Upon the date of the taking effect of the allocation of positions in a bureau or office, the compensation of the employee therein shall be adjusted in the following manner:

(1) If the employee is receiving compensation less than the minimum rate of the grade to which he is allocated, his compensation shall be increased to the minimum rate;

(2) If the employee is receiving compensation within the range of salary prescribed for the appropriate grade at one of the rates fixed therein, no change shall be made;

(3) If the employee is receiving compensation within the range of salary prescribed for the appropriate grade

but not at one of the rates fixed therein, his compensation shall be increased to the next higher rate;

(4) If the employee is receiving compensation in excess of the range of salary prescribed for the appropriate grade, his compensation shall not be reduced while he occupies the same position.

SEC. 13. *Adjustment of increases.*—Such part of the savings in the appropriations as provided for in the General Appropriation Acts for the years nineteen hundred thirty-eight and nineteen hundred thirty-nine as may not be needed for other purposes authorized by law, shall, in the discretion of the President of the Philippines, be available to cover adjustments in compensation under the provisions of this Act.

SEC. 14. *Limitations of salary rates.*—All original appointments shall be made at the minimum rate of compensation for the appropriate grade, except as otherwise provided in this Act; and no appointments to positions subject to the provisions of this Act shall be made except at rates of compensation in conformity to the rates prescribed herein: *Provided, however,* That in the case of employees in Grade 10, entrance salary may be fixed by the Board at the maximum rate.

SEC. 15. *Temporary employments not made permanent by the provisions of this Act.*—Nothing contained in this Act shall be construed to make permanent any temporary appointment made or authorized under existing laws.

SEC. 16. *Salary payment not allowed for positions not classified and allocated by the Board.*—From the date the initial classification and allocation takes effect in a bureau or office, in accordance with section ten of this Act, no payment of salary shall be allowed to employees who occupy positions in that bureau or office when such positions have not been properly classified and allocated by the Board as in this Act required.

SEC. 17. *Appropriations to carry out the purposes of this Act.*—There is appropriated, out of any funds in the

Philippine Treasury not otherwise appropriated, the sum of fifteen thousand pesos, or so much thereof as may be necessary, to cover salaries, wages, sundry expenses, and purchase of equipment for the Salary Board.

SEC. 18. *Repeals.*—Act Numbered Twenty-six hundred and sixty-eight; sections two hundred sixty-five, two hundred sixty-six, and nine hundred sixty-six of the Administrative Code, and Commonwealth Act Numbered One hundred sixty-five, are repealed.

SEC. 19. *Effective date.*—This Act shall take effect upon its approval.

Approved, September 13, 1938.

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[COMMONWEALTH ACT No. 220]

AN ACT TO AMEND CHAPTER THIRTEEN (LEAVE LAW) OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, AS AMENDED, ABOLISHING THE ADDITIONAL LEAVE OF THE JUSTICES OF THE SUPREME COURT, THE EXTENDED LEAVE OF THE JUDGES OF THE COURT OF APPEALS AND COURTS OF FIRST INSTANCE AND TEACHERS, AND THE ACCRUED LEAVE OF OTHER OFFICERS AND EMPLOYEES; INCREASING THE VACATION LEAVE AND CREATING THE SICK LEAVE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section two hundred and sixty-eight of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Twenty-six hundred and fifty-seven, is hereby further amended to read as follows:

"SEC. 268. *Leave of absence of judges of Supreme Court and Court of Appeals.*—During vacation of the Supreme Court and the Court of Appeals, the judges not assigned to vacation duty shall be upon vacation leave; and if no court vacation is declared for any year each of the judges shall become entitled to two months' leave in lieu of court vacation. In the case of those who are assigned to vacation duty, they shall be entitled to vacation leave at any subsequent time for the same number of days that they spend on vacation duty but not exceeding two months per year."

SEC. 2. Section two hundred and seventy-one of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Twenty-six hundred and fifty-seven is hereby further amended to read as follows:

"SEC. 271. *Leave of absence of judges of first instance.*—During the yearly court vacation, the judges and auxiliary judges of first instance not specially assigned to vacation duty shall be upon vacation leave. In the case of those who are assigned to vacation duty, they shall be entitled to vacation leave at any subsequent time for the same number of days that they spend on vacation duty but not exceeding two months."

SEC. 3. Sections two hundred and seventy-four and two hundred and seventy-five of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Twenty-six hundred and fifty-seven, are hereby further amended to read as follows:

"SEC. 274. *Vacation and leave of teachers.*—During the yearly school vacations, persons in the teaching service other than the class that may be designated for continuous duty under section two hundred and seventy-five hereof, shall be entitled to vacation leave.

"SEC. 275. *Persons in teaching service designated for continuous duty in vacation periods.*—For the good of the service, the Director of Education, or in the case of employees of the University of the Philippines, the President of the University, may, with the approval of the Secretary of Public Instruction, designate persons in the teaching service for continuous duty. Teachers so designated shall be entitled to the vacation leave and sick leave prescribed by section two hundred and eighty-five-A of this Act, and shall render the same hours of service as other employees entitled to vacation leave and sick leave."

SEC. 4. The title of Article IV of Chapter Thirteen of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Twenty-six hundred and fifty-seven, is hereby further amended to read "Article IV—Vacation leave and sick leave."

SEC. 5. Section two hundred and eighty-four of Act Numbered Twenty-seven hundred and eleven, as amended by Acts Numbered Twenty-six hundred and fifty-seven, Three thousand and eighty-seven, and Thirty-three hundred and seventy-four, are hereby further amended to read as follows:

"SEC. 284. *Vacation leave*.—After at least six months' continuous, faithful, and satisfactory service, the President or proper Head of Department may, in his discretion, grant to each regularly appointed officer or employee of the Philippine Government other than those mentioned in sections two hundred sixty-eight, two hundred seventy-one and two hundred seventy-four hereof, fifteen days' vacation leave of absence with full pay, inclusive of Sundays and holidays, for each calendar year of service."

SEC. 6. Section two hundred and eighty-five of Act Numbered Twenty-seven hundred and eleven, as amended by Acts Numbered Twenty-six hundred and fifty-seven, Twenty-seven hundred and ninety-nine, Twenty-eight hundred and sixty-one, and Three thousand and eighty-seven, is hereby further amended to read as follows:

"SEC. 285. *Vacation leave for craftsmen and classified apprentices of the Bureau of Printing*.—A craftsman or classified apprentice of the Bureau of Printing may be granted fifteen days' vacation leave, at the salary received by him upon taking such leave, after at least one year of continuous, faithful, and satisfactory service as craftsman or classified apprentice, in accordance with the civil service rules and such other rules as the Department of Finance may prescribe, and the Head of said Department may suspend the vacation leave granted, or part thereof, if in his judgment the needs of the public service require it."

SEC. 7. A new section to be numbered two hundred and eighty-five—A is hereby inserted after section two hundred and eighty-five of Act Numbered Twenty-seven hundred and eleven, and shall read as follows:

"SEC. 285—A. *Sick leave in addition to vacation leave*.—In addition to the vacation leave provided in the two preceding sections each regularly and permanently appointed

officer or employee of the Philippine Government other than those mentioned in sections two hundred and sixty-eight, two hundred and seventy-one and two hundred and seventy-four hereof, shall be entitled to fifteen days of sick leave for each year of service with full pay, inclusive of Sundays and holidays: *Provided*, That such sick leave will be granted by the President or Head of Department or independent office concerned only on account of sickness on the part of the employee concerned or of any member of his immediate family, not due to vicious and immoral habits, intemperance, or willful misconduct."

SEC. 8. Section two hundred and eighty-six of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Twenty-six hundred and fifty-seven, is hereby further amended to read as follows:

"SEC. 286. *When vacation leave and sick leave may be taken.*—Vacation leave and sick leave shall be cumulative and any part thereof which may not be taken within the calendar year in which earned may be carried over to the succeeding years, but upon separation from the service of any officer or employee, any accumulated vacation or sick leave to his credit shall be forfeited: *Provided*, That the total vacation leave and sick leave that can accumulate to the credit of any officer or employee shall, in no case, exceed five months: *Provided, further*, That the proper Department Head may in his discretion authorize the commutation of the salary that would be received during the period of the vacation leave of any permanently appointed officer or employee or teacher of the Philippine Government and direct its payment on or before the beginning of such vacation from the fund out of which the salary would have been paid.

SEC. 9. Sections two hundred and ninety-three and two hundred and ninety-five of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Twenty-six hundred and fifty-seven, are hereby further amended to read as follows:

"SEC. 293. *Withholding of salary incident to leave.*—Payment of salary to an officer or employee for any absence

during his first six months of service properly chargeable to vacation leave or sick leave shall be withheld until such leave may properly be taken under the provisions of this chapter; though in case of absence due to illness the President or proper Head of Department may direct that payment for such absence be not withheld if not in excess of the vacation leave and sick leave to his credit."

"SEC. 295. *Final determination by Department Head.*—

The respective Heads of Departments may authorize the Commissioner of Civil Service to act finally upon the application in all cases in which he approves the recommendation of the chief of the Bureau or Office in regard to such leave. Otherwise the matter shall in all cases be determined finally by the Department Head."

SEC. 10. Sections two hundred and sixty-nine, two hundred and seventy-two, two hundred and seventy-three, two hundred and seventy-six, two hundred and seventy-seven, two hundred and seventy-eight, two hundred and seventy-nine, two hundred and eighty, two hundred and eighty-one, two hundred and eighty-two, two hundred and eighty-three, two hundred and eighty-seven, two hundred and eighty-eight, two hundred and eighty-nine, two hundred and ninety, two hundred and ninety-one, and two hundred and ninety-two of Act Numbered Twenty-seven hundred and eleven, as amended, are hereby repealed: *Provided, however,* That the provisions of this section shall not affect the acquired right of officers and employees of the Philippine Government who, on the date of the approval of this Act, have earned additional leave, in the case of Justices of the Supreme Court; extended leave, in the case of Judges of the Court of Appeals and Courts of First Instance and teachers; and accrued leave, in the case of other officers and employees, which they may use either by taking leave when the service, in the discretion of the respective Heads of Departments, permits, or having the money value of a part or the whole of such leave applied to the payment of premiums on insurance policies which the respective officers or employees may take under the Government In-

surance and Retirement System when the latter is established: *Provided, further,* That in no case shall commutation of the money value of the additional leave, extended leave, and accrued leave be allowed except upon resignation from the service of the officer or employee concerned or upon paying off obligation of the officer or employee concerned to any agency or instrumentality of the Government.

SEC. 11. This Act shall take effect upon its approval.

Approved, November 29, 1936.

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BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 324

PREScribing REGULATIONS GOVERNING THE APPROVAL OF APPLI-
CATIONS FOR VACATION AND SICK LEAVE OF OFFICERS AND
EMPLOYEES OF THE GOVERNMENT.

In order to expedite action on applications for vacation and sick leave under the provisions of Commonwealth Act No. 220, as amended, I, Manuel L. Quezon, President of the Philippines, acting upon the recommendation of the Commissioner of Civil Service, do hereby prescribe the following regulations governing the approval of applications for leave of absence for the information and guidance of all concerned:

1. Each chief of bureau or office of the National Government, the provincial government and the government of a chartered city may approve after the words, "By authority of the Department Secretary," all applications for leave of permanently appointed officers and employees under said chief of bureau or office, provided their services can be spared without detriment to the interests of the public service.

2. Where some question is involved requiring determination by the Chief Executive or Department Head, or where the application for leave is denied on account of the exigencies of the service, the application shall be forwarded thru the Commissioner of Civil Service for final executive action.

3. Leave without pay shall not be granted whenever the employee concerned has leave with pay to his credit. Temporary employees may be granted such leave without pay as is not incompatible with the needs of the service.

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4. Where officers and employees are facing administrative charges or administrative proceedings are being instituted against them, no leave of absence with pay shall be granted the respondents for the time being.

5. In order that a uniform practice may be observed throughout the service, computation of leave shall be made on the basis of one day's vacation leave and one day's sick leave for every twenty-four days of actual service. The term "actual service" refers to the period of continuous service since the permanent appointment of the officer or employee concerned including the period or periods covered by any previous leave with pay granted. Leave of absence without pay for any reason other than illness shall not be counted as part of the actual service rendered.

6. In case of separation from the service of an officer or employee, no payment of any money due the resigning employee (whether in the form of salary, leave or otherwise) shall be made until after notice has been received from the Bureau of Civil Service that he did not enjoy any leave with pay in excess of that allowable for service rendered. All the necessary data relating to unreported absences and undertime should be furnished the Bureau of Civil Service for the proper and final computation of the leave allowable.

7. Applications for leave of absence chargeable to accrued leave earned for service prior to November 29, 1936, the date of the approval of Commonwealth Act No. 220, shall be forwarded to the Commissioner of Civil Service for action as heretofore.

8. Under the provisions of Commonwealth Act No. 490, the granting of leave of absence to municipal officers or employees is discretionary with the chief of office in the municipality concerned. Applications for leave of such officers and employees need not, therefore, be forwarded to the Bureau of Civil Service except in cases involving questions which require determination by the Chief Executive or Department Head concerned as provided in paragraph 2 hereof.

9. When the officers or employees who are transferred to other bureaus or offices file their first applications for leave with the offices they are transferred, the Commissioner of

Civil Service shall provide the respective chiefs of bureaus or offices of the National Government and the provincial and the city treasurers of provinces and chartered cities with certified statements of the balances of the vacation and sick leave to the credit of the officers or employees concerned for the information and record to enable them to act intelligently on possible future applications. A copy of each of such statements shall be furnished simultaneously the auditor of the bureau, office, province or city concerned.

10. Applications for vacation or sick leave now pending action by the Commissioner of Civil Service shall be returned to the corresponding bureaus and offices of the National Government, the provincial government, the government of chartered cities and to the municipalities for approval of the officials concerned under the provisions of this Executive Order.

Done at the City of Manila, this eleventh day of February, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

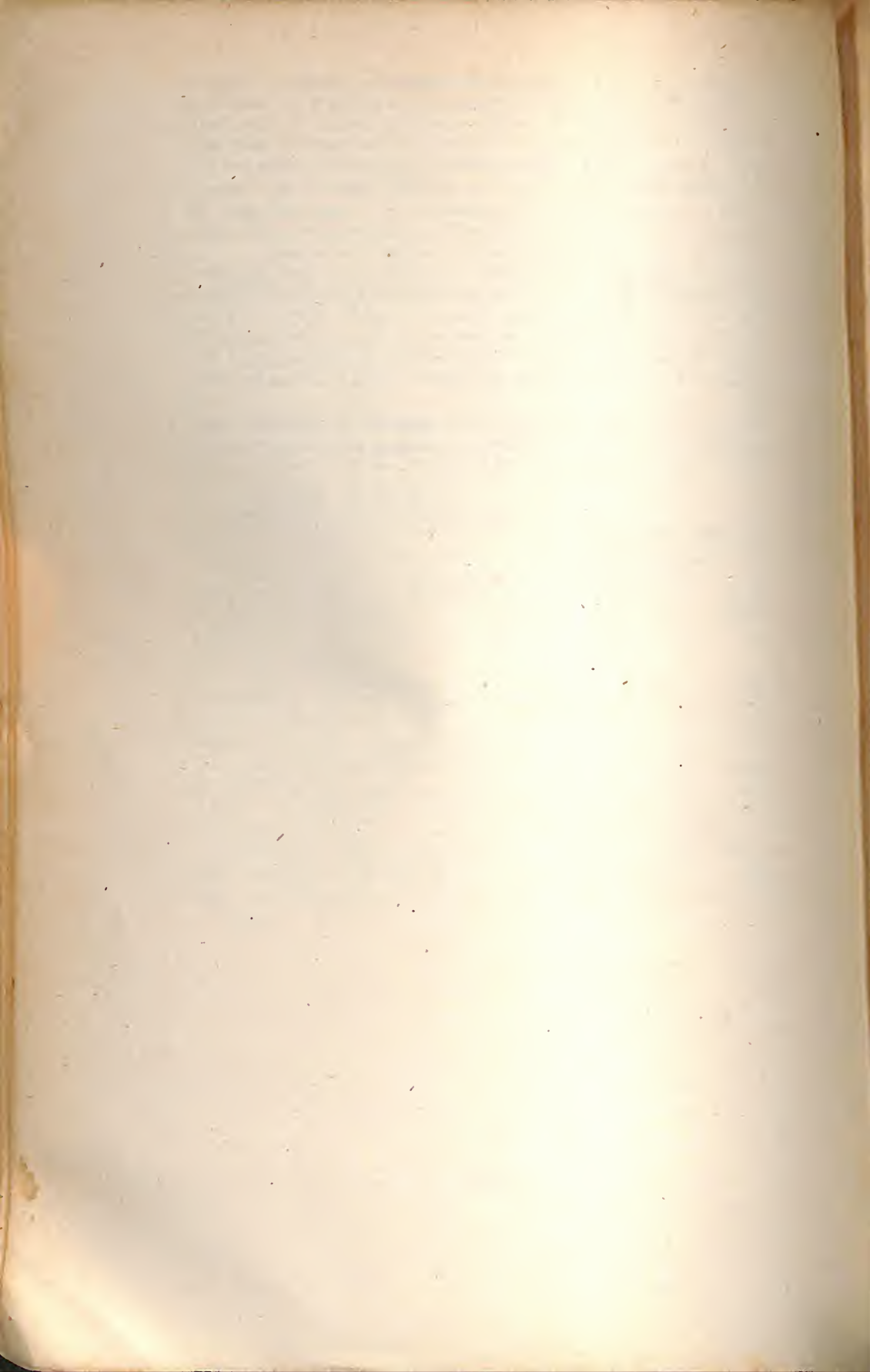
MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS
Secretary to the President

52941

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[COMMONWEALTH ACT No. 635]

AN ACT GRANTING VACATION LEAVE AND SICK LEAVE TO EMPLOYEES OF THE BUREAU OF HEALTH WHO ARE CIVIL SERVICE ELIGIBLES BUT WHO RECEIVE THEIR SALARIES FROM THE FUNDS DONATED FOR THE NATIONAL CHARITY CLINICS.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Any provision of law to the contrary notwithstanding, the provisions of chapter thirteen (Leave Law) of the Administrative Code, as amended by Commonwealth Acts Numbered Two hundred and twenty and Four hundred and ninety, are made applicable to the employees of the Bureau of Health who are Civil Service eligibles but who receive their salaries from the funds donated for the national charity clinics.

SEC. 2. This Act shall take effect upon its approval.

Approved, June 10, 1941.

56430



[COMMONWEALTH ACT No. 490]

AN ACT TO GRANT REGULARLY APPOINTED MUNICIPAL OFFICERS AND EMPLOYEES VACATION AND SICK LEAVE, BY AMENDING SECTIONS TWO HUNDRED AND EIGHTY-FOUR AND TWO HUNDRED AND EIGHTY-FIVE-A OF THE ADMINISTRATIVE CODE, AS AMENDED BY COMMONWEALTH ACT NUMBERED TWO HUNDRED AND TWENTY.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Sections two hundred and eighty-four and two hundred and eighty-five-A of the Administrative Code, as amended by Commonwealth Act Numbered Two hundred and twenty, are further amended to read as follows:

"SEC. 284. *Vacation leave.*—After at least six months' continuous, faithful, and satisfactory service, the President or proper head of department, or the chief of office in the case of municipal employees may, in his discretion, grant to each regularly appointed officer or employee of the National Government, the provincial government, the government of a chartered city, of a municipality or of a municipal district, in any regularly or specially organized province, other than those mentioned in sections two hundred sixty-eight, two hundred seventy-one, and two hundred seventy-four hereof, fifteen days' vacation leave of absence with full pay, inclusive of Sundays and holidays, for each calendar year of service."

"SEC. 285-A. *Sick leave in addition to vacation leave.*—In addition to the vacation leave provided in the two preced-

ing sections each regularly and permanently appointed officer or employee of the National Government, the provincial government, the government of a chartered city, of a municipality or municipal district in any regularly and specially organized province, other than those mentioned in sections two hundred sixty-eight, two hundred seventy-one and two hundred seventy-four hereof, shall be entitled to fifteen days of sick leave for each year of service with full pay, inclusive of Sundays and holidays: *Provided*, That such sick leave will be granted by the President, Head of Department or independent office concerned, or the chief of office in case of municipal employees, only on account of sickness on the part of the employee concerned or of any member of his immediate family, not due to vicious and immoral habits, intemperance, or willfull misconduct."

SEC. 2. This Act shall take effect upon its approval.

Enacted, without Executive approval, June 18, 1939.

31730



[COMMONWEALTH ACT No. 455]

AN ACT TO AMEND SECTIONS THREE HUNDRED THIRTY-SEVEN, THREE HUNDRED THIRTY-EIGHT, AND THREE HUNDRED FORTY OF THE ADMINISTRATIVE CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Sections three hundred thirty-seven, three hundred thirty-eight, and three hundred forty of the Administrative Code are amended so as to read as follows:

"SEC. 337. *Properties insurable in the property insurance fund.*—Vessels and craft, machinery, permanent buildings, property therein, property in rented buildings, belonging to the Government or to the companies or corporations the majority of the stock of which is held by the National Government, shall be insured, or insurable in the property insurance fund, against destruction or damage resulting from fire, earthquake, storm, or other casualty, in accordance with the provisions hereof."

"SEC. 338. *How insurance effected.*—The property of a province, chartered city, municipality, or other local political division, or of any of the companies or corporations mentioned in the next preceding section hereof, may only be insured in this fund with the approval of the Secretary of Finance, upon application made by proper board, council, or directors of the government division, company, or corporation in question: *Provided*, That the treasurer of the Philippines shall have discretionary power to recommend the disapproval of a portion or the whole amount of the insurance applied for by the companies or corporations aforesaid through their respective boards of directors: *And provided, further*, That, such property, or part thereof, as may not be insurable or acceptable for insurance in the

property insurance fund may be insured with any private insurance company. The premium rates for such insurance shall be as fixed by the Treasurer of the Philippines with the approval of the Secretary of Finance. Property of the National Government insurable under the next preceding section hereof shall be insured in said fund without charge, and shall be deemed to be so insured solely by virtue hereof, without formality of any sort."

"SEC. 340. *Constitution of property-insurance fund.*—The property-insurance fund shall be constituted and maintained as a permanent reimbursable fund, and shall consist of all moneys that heretofore have been or should have been lawfully covered into the 'insurance fund' as heretofore constituted, and of its own future accretions resulting either from profit on investments, from premiums, or from the continuing annual appropriation thereto.

"Until such time as the property-insurance fund shall reach two million pesos there shall accrue to it, from any funds in the National Treasury not otherwise appropriated, a continuing annual appropriation of one hundred thousand pesos and thereafter a similar appropriation of such sum or sums, not in excess of one hundred thousand pesos, as may be necessary to maintain the fund at that level.

"In case the total claims payable from the fund shall at any time exceed the capital, surplus, and reserves pertaining thereto, the amount necessary to cover such deficit shall be advanced from the general surplus of the National Government until such time as the overdraft shall have been offset by the future net earnings of the fund.

"The property insurance fund shall also be available for the payment of such expenses of administration and operation of the fund as may be incurred in carrying out the provisions of this chapter."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 8, 1939.

[No. 4143]

AN ACT TO AMEND SECTION THREE HUNDRED FORTY-FOUR OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, KNOWN AS THE ADMINISTRATIVE CODE, EXEMPTING CERTAIN PROPERTY FROM TAXATION.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section three hundred forty-four of Act Numbered Twenty-seven hundred and eleven, known as the Administrative Code, is hereby amended to read as follows:

"SEC. 344. *Property exempt from tax.*—The exemption shall be as follows:

"(a) Property owned by the United States of America, the Government of the Philippine Islands, or by any province or municipality in the Philippine Islands.

"(b) Cemeteries or burial grounds.

"(c) Churches and parsonages or conventos appurtenant thereto, and all lands, buildings, and improvements used exclusively for religious, charitable, scientific, or educational purposes; but this exemption shall not extend to property held for investment, or which produces income, even though the income be devoted to some one or more of the purposes above specified.

"(d) When the entire assessed valuation of real property in any one municipality, belonging to a single owner, shall be less than the sum of fifty pesos, the tax thereon shall not be collected, though in any event the property shall be valued for the purposes of assessment and record shall be kept thereof as in other cases.

"(e) Land held by a homesteader under an application filed in accordance with law, prior to the vesting of title

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in him by the issuance of a patent; but this exemption does not extend to building and improvements thereon the title of which is not in the Government.

“(f) Machinery, which term shall embrace machines, mechanical contrivances, instruments, tools, implements, appliances, and apparatus used for industrial, agricultural, or manufacturing purposes.

“(g) Fruit trees and bamboo plants, except where the land upon which they grow is planted principally to such growth.

“(h) For a period of five years from January first, nineteen hundred thirty-five, land used for airports or landing fields open to all aircraft operations, either free of charge or upon the payment of a nominal charge, together with such improvements thereon as are used exclusively for aeronautical purposes, provided such airports or landing fields and improvement thereon are certified by the Secretary of Public Works and Communications as being approved and suitable for all types of land aircraft and such airports and landing fields and improvements are necessary facilities for air commerce. *Provided, however,* That each such airports or landing fields shall have an area not to exceed one hundred hectares: *Provided, further,* That the said airports or landing fields exempted from taxation under this item (h) shall revert to their original taxation status upon the recommendation of the Secretary of Public Works and Communications that such airports or landing fields and improvements thereon are no longer necessary or suitable facilities for air commerce.”

SEC. 2. This Act shall take effect on January first, nineteen hundred and thirty-five.

Approved, November 26, 1934.

238504



[No. 4132]

AN ACT AMENDING SECTION FOUR HUNDRED AND
FOUR OF ACT NUMBERED TWENTY-SEVEN
HUNDRED AND ELEVEN KNOWN AS THE RE-
VISED ADMINISTRATIVE CODE, AS AMENDED.

*Be it enacted by the Senate and House of Representatives
of the Philippines in Legislature assembled and by the
authority of the same:*

SECTION 1. Section four hundred and four of Act Num-
bered Twenty-seven hundred and eleven, commonly known
as the Revised Administrative Code, is hereby amended to
read as follows:

"SEC. 404. *Certificate of candidacy.*—No person shall be
eligible for the office of Senator, Representative, or for any
elective provincial or municipal office unless, within the
time fixed by law, he shall file a duly sworn certificate of
candidacy.

"Said certificate shall declare that the person whose
signature it bears announces, or permits to be announced,
his candidacy for the position in question; that he is a
resident of the electoral district or of the province or mu-
nicipality, as the case may be, in which his candidacy is
offered; that he is a duly qualified elector therein, and
that he is eligible to the office. The certificate shall also
state the name of the political party to which the candidate
belongs, or that he belongs to none, if such be the case,
and the post-office address of such candidate for all elec-
toral purposes. Each candidate for an insular or pro-

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vincial office or for municipal president shall sign a sworn statement in which he shall state that his expense budget for the electoral campaign will not exceed one-third of the total emoluments attached to the office for the term of the same. This statement shall be filed together with the certificate of candidacy: *Provided*, That a group of not less than ten electors may likewise file the certificate of candidacy of any eligible person who does not object to his candidacy, for any municipal office except that of municipal president, without the necessity of such certificate being made under oath: *Provided, further*, That in case there are two or more candidates for the same elective office who have the same name and surname, any one of them who has at any time been elected to any elective insular, provincial, or municipal office may continue using the name and surname, as well as nicknames, as set forth in his previous certificate of candidacy, while the others shall be obliged to state in their certificates of candidacy only their name and surname and second name or maternal family name; said certificate of candidacy shall not include nor contain nicknames of the other candidate who has at any time been elected to any insular, provincial, or municipal office; and in case these candidates present themselves for the first time for the same elective office, they shall all be obliged to state in the certificate of candidacy, in addition to their name and surname, the second name or maternal family name."

SEC. 2. This Act shall take effect upon its approval.

Approved, November 22, 1934.

288666



[No. 4174]

AN ACT TO PERMIT A PERSON DELINQUENT IN THE PAYMENT OF TAXES TO ASSUME OFFICE WHEN THE OFFICE TO WHICH HE HAS BEEN ELECTED CARRIES WITH IT A SALARY OR COMPENSATION OUT OF WHICH THE DELINQUENT TAXES MAY BE PAID, BY AMENDING SECTION FOUR HUNDRED AND SEVEN OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, AS AMENDED.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section four hundred and seven of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Thirty-three hundred and eighty-seven, is hereby further amended to read as follows:

"SEC. 407. *Incapacity to assume office due to non-payment of taxes; removal of such incapacity.*—A person who is delinquent in the payment of taxes cannot assume office to which he has been elected without first paying said taxes: *Provided, however,* That in case the office to which such person has been elected carries with it a salary, compensation or per diems, such person may assume office on the date fixed by law for the purpose, in which case the Insular Auditor or his representative or the disbursing officer concerned shall withhold and deduct monthly not less than twenty-five per centum nor more than fifty per centum of the monthly salary, compensation or per diems corre-

sponding to his position and apply the sums so deducted to said delinquent taxes until the same are fully paid: *And provided, further*, That the authority herein conferred upon the Insular Auditor, his representative or the disbursing officer shall be exercised without prejudice to the remedies at present provided by existing laws for the collection of taxes."

SEC. 2. This Act shall take effect upon its approval.

Approved, December 4, 1934.

288084



[COMMONWEALTH ACT No. 45]

AN ACT TO AMEND SECTION FOUR HUNDRED AND THIRTY-SIX OF THE ELECTION LAW, BEING CHAPTER EIGHTEEN OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, KNOWN AS THE REVISED ADMINISTRATIVE CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section four hundred and thirty-six of the Election Law, chapter eighteen of Act Numbered Twenty-seven hundred and eleven known as the Revised Administrative Code is hereby amended to read as follows:

"SEC. 436. *Application for inclusion of voters in list.*— Any person who may be refused registration may apply within twenty days after the last day of registration and revision of the list of voters to the circuit justice of the peace, the justice of the peace of the provincial capital or to the competent judge of first instance, for an order directing the board of inspectors to include his name in the list of voters. Such application shall be made by filing with said circuit justice of the peace, justice of the peace of provincial capital or competent judge of first instance, a copy of the certificate and statement aforesaid, together with proof of service of notice of such application upon all the members of the board of inspectors, which notice shall state the time and place and tribunal in which such application has been made.

"On petition filed before the hearing of any application to include names in the list of voters, any candidate who may have an interest in the application shall have the right

to intervene and to present all such evidence as he may intend to avail with.

"The competent judge or court shall order the introduction of evidence in support of the application, and if the inclusion is claimed under subsection (c) of section four hundred thirty-one, shall order the appearance of the applicant for examination, but under no circumstance shall any decision be rendered on the stipulation between the applicant and the respondent board of inspectors. Any person, whose name appears in the permanent list of voters for the last general or special election, but through inadvertence or neglect has not been included in the list for the following elections, shall, with previous notice to any member of the board of inspectors concerned, have the right to apply for the inclusion of his name in the list to the circuit justice of the peace, justice of the peace of the provincial capital or the Court of First Instance, at any time two days before the second Saturday previous to the election."

"These applications shall be heard without delay and decided not later than the midday of the second Saturday previous to the election, and the board of inspectors and the interested parties shall be notified of the decision not later than five o'clock in the afternoon of the said second Saturday previous to the election."

SEC. 2. This Act shall take effect upon its approval.

Approved, October 13, 1936.

2342



[COMMONWEALTH ACT No. 197]

AN ACT TO AMEND THE FIRST PARAGRAPH OF SECTION FOUR HUNDRED AND FORTY-TWO OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, KNOWN AS THE REVISED ADMINISTRATIVE CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The first paragraph of section four hundred and forty-two of Act Numbered Twenty-seven hundred and eleven, as amended, is hereby further amended to read as follows:

"SEC. 442. *Official ballots.*—Official ballots shall be provided at public expense for every election held under this chapter. There shall be at each polling place but one form of ballot, which shall be of ordinary white printing paper in shape a strip one hundred and forty millimeters wide and three hundred and four millimeters long, and shall contain a printed heading of the title of each office to be voted for and the number of candidates for which the voter may vote on the left margin, with a corresponding number of spaces opposite the title. Such titles shall be printed both in Spanish and English in ten point (long primer) roman type and at the top of the ballot shall appear, in type which shall be discretionary with the Director of Printing, but which shall be uniform throughout the Philippines, the words "Official Ballot," a representation of the coat of arms, and the municipality or municipal district in which the particular ballot is intended to be used, and the date of the election. There shall also be printed, in eight point (brevier) gothic type both in English and Spanish the

legend "Do not make any mark on this ballot or write anything thereon but the names of the candidates you vote for. Any violation of this instruction will invalidate the ballot." The ballots shall be folded three times toward the top, so that they shall be one hundred and forty by thirty-eight millimeters when folded. No ballot shall have any printing on the back and the stubs thereof shall be numbered consecutively, in each municipality or municipal district. The official ballot shall contain the official designation of the offices to be voted for and numbered consecutively beginning from number one for each municipality or municipal district, and shall be printed substantially in the following form:

4056


OFFICIAL BALLOT
PAPELETA OFFICIAL
MUNICIPALITY OF
MUNICIPIO DE

 (Date of election)
 (Fecha de elección)

Do not make any mark on this ballot or write anything but the names of the candidates you vote for. Any violation of this instruction will invalidate the ballot.

No se escriban en esta balota sino los nombres de los candidatos por quienes usted vota ni se haga en ella marca alguna. Cualquier infracción de esta orden invalidará la balota.

PRESIDENT
Presidente

VICE PRESIDENT
Vicepresidente

ASSEMBLYMAN
Diputado

PROVINCIAL GOVERNOR
Gobernador Provincial

MEMBERS OF THE PROVINCIAL BOARD:
Miembros de la Junta Provincial:

MUNICIPAL PRESIDENT
Presidente Municipal

MUNICIPAL VICE PRESIDENT
Vicepresidente Municipal

MUNICIPAL COUNCILORS:
Concejales Municipales:

SEC. 2. This Act shall take effect upon its approval.

Approved, November 18, 1936.

[COMMONWEALTH ACT No. 124]

AN ACT TO AMEND SECTION FOUR HUNDRED AND EIGHTY-SEVEN OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, KNOWN AS THE REVISED ADMINISTRATIVE CODE, AS AMENDED.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section four hundred and eighty-seven of Act Numbered twenty-seven hundred and eleven, known as the Revised Administrative Code, as amended, is hereby further amended to read as follows:

"SEC. 487. *Disposition of proceeds of cedula tax.*—In the province where the cedula tax is fixed at one peso its proceeds shall go equally to the province and municipality wherein collected. In provinces where the tax is fixed at two pesos, the extra peso shall accrue to the school fund of the municipality wherein collected. The proceeds of delinquent payments shall, in either case, be distributed on the same basis."

SEC. 2. This Act shall take effect on January first, nineteen hundred and thirty-seven.

Approved, November 3, 1936.

[COMMONWEALTH ACT No. 238]

AN ACT PROVIDING FOR THE ABOLITION OF THE
CEDULA TAX

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The cedula tax is abolished, and all delinquencies by reason thereof are condoned.

SEC. 2. This Act shall take effect upon its approval.

Approved, November 15, 1937.

13734



[COMMONWEALTH ACT NO. 466]

AN ACT TO REVISE, AMEND AND CODIFY THE
INTERNAL REVENUE LAWS OF THE PHILIP-
PINES.

Be it enacted by the National Assembly of the Philippines:

TITLE OF ACT

SECTION 1. *Title of Act.*—This Act shall be known as the
National Internal Revenue Code.

TITLE I.—ORGANIZATION OF BUREAU

SEC. 2. *Chief officials of Bureau of Internal Revenue.*—
The Bureau of Internal Revenue shall have one chief and
one assistant chief to be known, respectively, as the Col-
lector of Internal Revenue and the Deputy Collector of
Internal Revenue.

SEC. 3. *Powers and duties of Bureau.*—The powers and
duties of the Bureau of Internal Revenue shall comprehend
the collection of all national internal-revenue taxes, fees,
and charges, and the enforcement of all forfeitures, pen-
alties, and fines connected therewith. Said Bureau shall
also give effect to and administer the supervisory and
police power conferred to it by this Code or other laws.

SEC. 4. *Specific provisions to be contained in regula-
tions.*—The regulations of the Bureau of Internal Revenue
shall, among other things, contain provisions specifying,
prescribing, or defining:

(a) The time and manner in which provincial treas-
urers shall canvass their provinces for the purpose of

discovering persons and property liable to national internal-revenue taxes, and the manner in which their lists and records of taxable persons and taxable objects shall be made and kept.

(b) The forms of labels, brands, or marks to be required on goods subject to a specific tax, and the manner in which the labeling, branding, or marking shall be effected.

(c) The conditions under which and the manner in which goods intended for export, which if not exported would be subject to a specific tax, shall be labelled, branded, or marked.

(d) The conditions to be observed by revenue officers, provincial fiscals, and other officials respecting the institution and conduct of legal actions and proceedings.

(e) The manner in which persons authorized to have and keep prohibited drugs shall keep their records relating to the same.

(f) The conditions under which opium may be imported, the manner of its storage and removal for use, as well as the manner in which the same shall be marked or labelled prior to removal.

(g) The conditions under which prohibited drugs may be transferred from the possession of persons authorized to have and keep the same to the possession of other persons similarly authorized.

(h) The conditions under which goods intended for storage in bonded warehouses shall be conveyed thither, their manner of storage, and the method of keeping the entries and records in connection therewith, also the books to be kept by storekeepers and the reports to be made by them in connection with their supervision of such houses.

(i) The conditions under which alcohol intended for use in the arts and industries may be removed and dealt in, the character and quantity of the denaturing material to be used, the manner in which the process of denaturing shall be effected, the bonds to be given, the books and records to be kept, the entries to be made therein, the

reports to be made to the Collector of Internal Revenue, and the signs to be displayed in the business or by the person for whom such denaturing is done or by whom such alcohol is dealt in.

(j) The manner in which revenue shall be collected and paid, the instrument, document, or object to which revenue stamps shall be affixed, the mode of cancellation of the same, the manner in which the proper books, records, invoices, and other papers shall be kept and entries therein made by the person subject to the tax, as well as the manner in which licenses and stamps shall be gathered up and returned after serving their purposes.

(k) The conditions to be observed by revenue officers, provincial fiscals, and other officials respecting the enforcement of Title III imposing a tax on estate, inheritances, legacies, and other acquisitions *mortis causa* as well as on gifts and such other rules and prohibition which the Collector of Internal Revenue may consider suitable for the enforcement of the said Title III.

(l) The manner in which income tax returns, information, and reports shall be prepared and reported and the tax collected and paid, as well as the conditions under which evidence of payment shall be furnished the taxpayer, and the preparation and publication of income tax statistics.

SEC. 5. *Forms, certificates, and appliances supplied by the Collector of Internal Revenue.*—It shall be the duty of the Collector of Internal Revenue, among other things, to prescribe, provide, and distribute to the proper officials the requisite licenses, internal-revenue stamps, and labels or tags used in sealing weights and measures, and all other forms, certificates, bonds, records, invoice books, instruments, appliances, and apparatus used in administering the laws falling within the jurisdiction of the Bureau.

SEC. 6. *Agents and deputies for collection of National internal revenue.*—For the collection of the national internal revenue on imported articles the Insular Collector of Customs and his subordinates are constituted agents of

the Collector of Internal Revenue; and the provincial and city treasurers, and their deputies shall be his deputies for the collection of other national internal revenue and the enforcement of all laws falling within the jurisdiction of the Bureau.

SEC. 7. *Expenses of collection to be borne by provinces and cities.*—The expenses incurred by the provincial, city, and municipal authorities in collecting national internal revenue and in enforcing the laws falling within the jurisdiction of the Bureau of Internal Revenue, including expenses incurred in appearing in the courts in internal-revenue cases, shall be borne by the respective provinces and cities.

SEC. 8. *Internal-revenue inspection districts.*—With the approval of the Department Head, the Collector of Internal Revenue shall divide the Philippines into such number of inspection districts as may from time to time be required for administrative purposes. Each of these districts shall be under the supervision of a provincial revenue agent.

SEC. 9. *Duties of provincial revenue agents and other internal-revenue officers.*—It shall be the duty of every provincial revenue agent or other internal-revenue officers to see that all laws and regulations affecting national internal revenues are faithfully executed and complied with, and to aid in the prevention, detection, and punishment of any frauds or delinquencies in connection therewith.

It shall also be the duty of every provincial revenue agent to examine into the efficiency of all officers and employees of the Bureau of Internal Revenue under his supervision, and to report in writing to the Collector of Internal Revenue any neglect of duty, incompetency, delinquency, or malfeasance in office of any internal-revenue officer of which he may obtain knowledge, with a statement of all the facts in each case and any evidence sustaining the same. He may, by notice in writing, suspend from duty any store-keeper or secret service agent, and in such case he shall immediately notify the Collector of Internal Revenue and within three days thereafter report his action and his reasons therefor in writing to said Collector.

Should a provincial revenue agent or any officer under his supervision discover any neglect, incompetency, delin-

quency, or malfeasance of any provincial or city treasurer in the performance of his duty under section six hereof, he shall immediately report the facts to the Collector of Internal Revenue in writing.

SEC. 10. *Authority of agent's assistant or examiner.*—An agent's assistant or examiner in any district may, in the name of the provincial revenue agent in charge of such district and under the control of such officer as his immediate superior, exercise any power or perform any act which might be exercised or performed by such provincial revenue agent himself.

SEC. 11. *Assignment of storekeepers or secret service agents.*—The Collector of Internal Revenue shall employ and assign internal-revenue storekeepers or secret service agents to establishments or places where articles subject to specific tax are produced or kept.

SEC. 12. *Assignment of internal-revenue agents and other employees to other duties.*—The Collector of Internal Revenue may, with the approval of the Secretary of Finance, assign internal-revenue agents and other officers and employees of the Bureau of Internal Revenue without change in their official character or salary to such special duties connected with the administration of the revenue laws as the best interests of the service may require.

SEC. 13. *Reports of violations of law.*—When an internal-revenue officer discovers evidence of a violation of this Code or of any law or regulation administered by the Bureau of Internal Revenue, of such character as to warrant the institution of criminal proceedings, he shall immediately report the facts to the Collector of Internal Revenue, through his immediate superior, giving the name and address of the offender and the names of the witnesses, if possible: *Provided*, That in urgent cases the provincial revenue agent, provincial treasurer, or city treasurer, as the case may be, may send the report direct to the corresponding prosecuting officer. In the latter case, a copy of his report shall be sent to the Collector of Internal Revenue.

It shall also be the duty of any officer or employee of the Bureau of Internal Revenue to report to the Bureau of Forestry any violations of the Forest Law within his knowledge. A duplicate of each such report shall be furnished the Collector of Internal Revenue.

SEC. 14. *Authority of internal-revenue officers to make arrests and seizures.*—The Collector of Internal Revenue, the Deputy Collector of Internal Revenue, internal-revenue agents, agent's assistants and examiners, and provincial or city treasurers and their deputies shall have authority to make arrests and seizures for the violation of any penal law or regulation administered by the Bureau of Internal Revenue. Any person so arrested shall be forthwith carried before a magistrate, there to be dealt with according to law.

SEC. 15. *Power of Collector of Internal Revenue to make assessments.*—When a report required by law as a basis for the assessment of any national internal-revenue tax shall not be forthcoming within the time fixed by law or regulation, or when there is reason to believe that any such report is false, incomplete, or erroneous, the Collector of Internal Revenue shall assess the proper tax on the best evidence obtainable.

When it shall come to the knowledge of the Collector of Internal Revenue that a taxpayer is retiring from the business subject to taxation, or intends to leave the Philippines, or remove his property therefrom, or hide or conceal his property, or perform any act tending to obstruct the proceedings for collecting the tax for the past or current quarter or year, or render the same totally or partly inefficient, unless such proceedings are begun immediately, the Collector of Internal Revenue shall declare the tax period of such taxpayer terminated at any time and shall send the taxpayer a notice of such decision, together with a request for the immediate payment of the tax for the tax period so declared terminated and the tax for the preceding year or quarter, or such portion thereof as may be unpaid, and said taxes shall be due and payable immediately

and shall be subject to all the penalties hereafter prescribed, unless paid within the time fixed in the request of the Collector of Internal Revenue.

SEC. 16. *Authority of officers to administer oaths and take testimony.*—The Collector of Internal Revenue, the Deputy Collector of Internal Revenue, special deputies of the Collector, internal-revenue agents, agent's assistants and examiners, provincial, or city treasurers and their deputies, and any other employee of the Bureau thereunto especially deputed by the Collector shall have power to administer oaths and to take testimony in any official matter or investigation conducted by them touching any matter within the jurisdiction of the Bureau.

SEC. 17. *Contents of Collector's annual report.*—The annual report of the Collector of Internal Revenue shall contain a detailed statement of the collections and disbursements of the Bureau with specifications of the sources of revenue and classes of disbursements.

SEC. 18. *Sources of revenue.*—The following taxes, fees, and charges are deemed to be national internal-revenue taxes:

- (a) Income tax;
- (b) Estate, inheritance and gift taxes;
- (c) Specific taxes on certain articles;
- (d) Privilege taxes on business or occupation;
- (e) Documentary stamp taxes;
- (f) Mining taxes;
- (g) Miscellaneous taxes, fees and charges, namely, taxes on banks, and insurance companies, franchise taxes, taxes on amusements, charges on forest products, fees for sealing weights and measures, firearms license fees, radio registration fees, tobacco inspection fees, and water rentals.

TITLE II.—INCOME TAX

SEC. 19. *Classification of provisions.*—The provisions of this Title are herein classified and designated as—

Chapter I.—Introductory provision.

Chapter II.—Tax on individuals.

Chapter III.—Tax on corporations.

Chapter IV.—Computation of net income.

Chapter V.—Accounting periods and methods of accounting.

Chapter VI.—Returns and payment of tax.

Chapter VII.—Estates and trusts.

Chapter VIII.—Personal holding companies.

Chapter IX.—Administrative provisions.

Chapter X.—Definitions.

CHAPTER I.—*Introductory Provision*

SEC. 20. *Application of Title.*—The provisions of this Title shall apply only to income received from January first, nineteen hundred and thirty-nine.

CHAPTER II.—*Tax on Individuals*

SEC. 21. *Rates of tax on citizens or residents.*—There shall be levied, assessed, collected, and paid annually upon the entire net income received in the preceding taxable year from all sources by every individual, a citizen or resident of the Philippines, a tax equal to the sum of the following:

One *per centum per annum* upon the amount by which such total net income does not exceed two thousand pesos;

Two *per centum per annum* upon the amount by which such total net income exceeds two thousand pesos and does not exceed four thousand pesos;

Three *per centum per annum* upon the amount by which such total net income exceeds four thousand pesos and does not exceed six thousand pesos;

Four *per centum per annum* upon the amount by which such total net income exceeds six thousand pesos and does not exceed ten thousand pesos;

Five *per centum per annum* upon the amount by which such total net income exceeds ten thousand pesos and does not exceed twenty thousand pesos;

Six *per centum per annum* upon the amount by which such total net income exceeds twenty thousand pesos and does not exceed thirty thousand pesos;

Seven *per centum per annum* upon the amount by which such total net income exceeds thirty thousand pesos and does not exceed forty thousand pesos;

Eight *per centum per annum* upon the amount by which such total net income exceeds forty thousand pesos and does not exceed fifty thousand pesos;

Nine *per centum per annum* upon the amount by which such total net income exceeds fifty thousand pesos and does not exceed sixty thousand pesos;

Ten *per centum per annum* upon the amount by which such total net income exceeds sixty thousand pesos and does not exceed seventy thousand pesos;

Eleven *per centum per annum* upon the amount by which such total net income exceeds seventy thousand pesos and does not exceed eighty thousand pesos;

Twelve *per centum per annum* upon the amount by which such total net income exceeds eighty thousand pesos and does not exceed ninety thousand pesos;

Thirteen *per centum per annum* upon the amount by which such total net income exceeds ninety thousand pesos and does not exceed one hundred thousand pesos;

Fourteen *per centum per annum* upon the amount by which such total net income exceeds one hundred thousand pesos and does not exceed one hundred and twenty thousand pesos;

Fifteen *per centum per annum* upon the amount by which such total net income exceeds one hundred and twenty thousand pesos and does not exceed one hundred and forty thousand pesos;

Seventeen *per centum per annum* upon the amount by which such total net income exceeds one hundred and forty thousand pesos and does not exceed one hundred and sixty thousand pesos;

Nineteen *per centum per annum* upon the amount by which such total net income exceeds one hundred and sixty thousand pesos and does not exceed one hundred and eighty thousand pesos;

Twenty-one *per centum per annum* upon the amount by which such total net income exceeds one hundred and eighty thousand pesos and does not exceed two hundred thousand pesos;

Twenty-three *per centum per annum* upon the amount by which such total net income exceeds two hundred thousand

pesos and does not exceed two hundred and twenty-five thousand pesos;

Twenty-five *per centum per annum* upon the amount by which such total net income exceeds two hundred and twenty-five thousand pesos and does not exceed two hundred and fifty thousand pesos;

Twenty-seven *per centum per annum* upon the amount by which such total net income exceeds two hundred and fifty thousand pesos and does not exceed two hundred and seventy-five thousand pesos;

Twenty-nine *per centum per annum* upon the amount by which such total net income exceeds two hundred and seventy-five thousand pesos and does not exceed three hundred thousand pesos;

Thirty-one *per centum per annum* upon the amount by which such total net income exceeds three hundred thousand pesos and does not exceed three hundred and fifty thousand pesos;

Thirty-three *per centum per annum* upon the amount by which such total net income exceeds three hundred and fifty thousand pesos and does not exceed four hundred thousand pesos;

Thirty-five *per centum per annum* upon the amount by which such total net income exceeds four hundred thousand pesos and does not exceed four hundred and fifty thousand pesos;

Thirty-seven *per centum per annum* upon the amount by which such total net income exceeds four hundred and fifty thousand pesos and does not exceed five hundred thousand pesos;

Thirty-nine *per centum per annum* upon the amount by which such total net income exceeds five hundred thousand pesos and does not exceed six hundred thousand pesos;

Forty *per centum per annum* upon the amount by which such total net income exceeds six hundred thousand pesos and does not exceed seven hundred thousand pesos;

Forty-one *per centum per annum* upon the amount by which such total net income exceeds seven hundred thousand pesos and does not exceed eight hundred thousand pesos;

Forty-two *per centum per annum* upon the amount by which such total net income exceeds eight hundred thousand pesos and does not exceed one million pesos;

Forty-three *per centum per annum* upon the amount by which such total net income exceeds one million pesos and does not exceed one million and five hundred thousand pesos;

Forty-four *per centum per annum* upon the amount by which such total net income exceeds one million and five hundred thousand pesos and does not exceed two million pesos; and

Forty-five *per centum per annum* upon the amount by which such total net income exceeds two million pesos.

SEC. 22. *Tax on nonresident alien individuals.*—(a) *Nonresident alien engaged in trade or business within the Philippines or having an office or place of business therein.*—There shall be levied, assessed, collected, and paid for each taxable year upon the entire net income received from all sources within the Philippines by every nonresident alien individual engaged in trade or business within the Philippines or having an office or place of business therein the tax imposed by section 21.

(b) *Nonresident alien not engaged in trade or business within the Philippines or not having an office or place of business therein.*—There shall be levied, assessed, collected, and paid for each taxable year upon the entire net income received from all sources within the Philippines by every nonresident alien individual not engaged in trade or business within the Philippines or not having an office or place of business therein a tax equal to eight *per centum* thereof: *Provided*, That if the total net income of such nonresident alien individual from all sources within the Philippines exceeds eighty thousand pesos, the rates established in section 21 shall apply: *And provided, further*, That in case such nonresident alien individual files with the Collector of Internal Revenue a true and accurate return of his income from all sources within the Philippines on or before the date fixed under this Title for the filing of

returns, he shall be entitled to have the tax thereon computed at the rates provided for in section 21, regardless of the amount of income declared in such return.

SEC. 23. *Amount of personal exemptions allowable to individuals.*—For the purpose of the tax provided for in this Title, there shall be allowed the following personal exemptions:

(a) *Personal exemption of single individuals.*—The sum of one thousand pesos, if the person making the return is a single person or a married person legally separated from his or her spouse.

(b) *Personal exemption of married persons or heads of family.*—The sum of two thousand five hundred pesos, if the person making the return is a married man with a wife not legally separated from him, or a married woman with a husband not legally separated from her, or the head of a family: *Provided*, That only one exemption of two thousand five hundred pesos shall be made from the aggregate income of both husband and wife when not legally separated. For the purpose of this section, the term "head of a family" includes an unmarried man or woman with one or both parents, or one or more brothers or sisters, or one or more legitimate, recognized natural, or adopted children dependent upon him or her for their chief support where such brothers, sisters, or children are less than twenty-one years of age.

(c) *Additional exemption for dependents.*—The sum of five hundred pesos for each legitimate, recognized natural, or adopted child wholly dependent upon the taxpayer, if such dependents are under twenty-one years of age, or incapable of self-support because mentally or physically defective. The additional exemption under this subsection shall be allowed only if the person making the return is the head of a family.

(d) *Change of status.*—If the status of the taxpayer, insofar as it affects the personal and additional exemptions for himself or his dependents, changes during the taxable year, the amount of the personal and additional exemptions shall be apportioned, under rules and regula-

tions prescribed by the Secretary of Finance, in accordance with the number of months before and after such change. For the purpose of such apportionment a fractional part of a month shall be disregarded unless it amounts to more than half a month, in which case it shall be considered as a month.

(e) *Personal exemptions allowable to a nonresident alien individual.*—A nonresident alien individual shall be entitled to personal exemption in an amount equal to the exemptions allowed by the income tax law in the country of which he is a subject or citizen to citizens of the Philippines not residing in such country, but not to exceed the amount fixed in this section as exemption for citizens or residents of the Philippines: *Provided*, That said nonresident alien file a true and accurate return of the total income received by him from all sources in the Philippines, as required by this Title.

CHAPTER III.—*Tax on Corporations*

SEC. 24. *Rate of tax on corporations.*—There shall be levied, assessed, collected, and paid annually upon the total net income received in the preceding taxable year from all sources by every corporation organized in, or existing under the laws of, the Philippines, no matter how created or organized, but not including duly registered general partnerships (*compañías colectivas*), a tax of eight *per centum* upon such income; and a like tax shall be levied, assessed, collected, and paid annually upon the total net income received in the preceding taxable year from all sources within the Philippines by every corporation organized, authorized, or existing under the laws of any foreign country: *Provided, however*, That in the case of dividends received by a domestic or resident foreign corporation from a domestic corporation liable to tax under this Chapter, only twenty-five *per centum* thereof shall be returnable for purposes of the tax imposed by this section.

SEC. 25. *Additional tax on corporations improperly accumulating profits or surplus.* (a) *Imposition of tax.*—If any corporation, except banks, insurance companies, or

personal holding companies, whether domestic or foreign, is formed or availed of for the purpose of preventing the imposition of the tax upon its shareholders or members or the shareholders or members of another corporation, through the medium of permitting its gains and profits to accumulate instead of being divided or distributed, there is levied and assessed against such corporation, for each taxable year, a tax equal to twenty-five *per centum* of the undistributed portion of its accumulated profits or surplus which shall be in addition to the tax imposed by section 24, and shall be computed, collected and paid in the same manner and subject to the same provisions of law, including penalties, as that tax.

(b) *Prima facie evidence*.—The fact that any corporation is a mere holding company shall be *prima facie* evidence of a purpose to avoid the tax upon its shareholders or members. Similar presumption will lie in the case of an investment company where at any time during the taxable year more than fifty *per centum* in value of its outstanding stock is owned, directly or indirectly, by one person.

(c) *Evidence determinative of purpose*.—The fact that the earnings or profits of a corporation are permitted to accumulate beyond the reasonable needs of the business shall be determinative of the purpose to avoid the tax upon its shareholders or members unless the corporation, by the clear preponderance of evidence, shall prove to the contrary.

SEC. 26. *Tax liability of members of duly registered general copartnerships*.—Persons carrying on business in general copartnership (*compañía colectiva*) duly registered in the mercantile registry shall be liable for income tax only in their individual capacity, and the share of the profits of the registered general copartnership (*compañía colectiva*) to which any taxable partner would be entitled, whether divided or otherwise, shall be returned for taxation and the tax paid in accordance with the provisions of this Title.

SEC. 27. *Exemptions from tax on corporations.*—The following organizations shall not be taxed under this Title in respect to income received by them as such—

(a) Labor, agricultural, or horticultural organization;

(b) Mutual savings bank not having a capital stock represented by shares, and coöperative bank without capital stock organized and operated for mutual purposes and without profit;

(c) Fraternal beneficiary society, order, or association, operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system and providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association, or their dependents;

(d) Loan and building associations operating as such in accordance with sections 171 to 190 of the Corporation Law, as amended;

(e) Cemetery company owned and operated exclusively for the benefit of its members;

(f) Corporation or association organized and operated exclusively for religious, charitable, scientific, athletic, cultural, or educational purposes, no part of the net income of which is distributed to any private stockholder or individual: *Provided, however,* That the income of whatever kind and character from any of its properties, real or personal, except income expressly exempted by this title, shall be liable to the tax imposed under this Code;

(g) Business league, chamber of commerce, or board of trade, not organized for profit and no part of the net income of which inures to the benefit of any private stockholder or individual;

(h) Civic league or organization not organized for profit but operated exclusively for the promotion of social welfare;

(i) Club organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes, no part of the net income of which inures to the benefit of any private stockholder or member;

(j) Farmers' or other mutual typhoon or fire insurance company, mutual ditch or irrigation company, mutual or coöperative telephone company, or like organization of a purely local character, the income of which consists solely of assessments, dues, and fees collected from members for the sole purpose of meeting its expenses;

(k) Farmers', fruit growers', or like association organized and operated as a sales agent for the purpose of marketing the products of its members and turning back to them the proceeds of sales, less the necessary selling expenses, on the basis of the quantity of produce furnished by them;

(l) Corporation or association organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt from the tax imposed by this Title.

CHAPTER IV.—*Computation of Net Income*

SEC. 28. *Meaning of net income.*—"Net income" means the gross income computed under section 29, less the deductions allowed by section 30.

SEC. 29. *Gross income.*—(a) *General Definition.*—"Gross income" includes gains, profits, and income derived from salaries, wages, or compensation for personal service of whatever kind and in whatever form paid, or from professions, vocations, trades, businesses, commerce, sales, or dealings in property, whether real or personal, growing out of the ownership or use of or interest in such property; also from interests, rents, dividends, securities, or the transactions of any business carried on for gain or profit, or gains, profits, and income derived from any source whatever.

(b) *Exclusions from gross income.*—The following items shall not be included in gross income and shall be exempt from taxation under this Title:

(1) *Life insurance.*—The proceeds of life insurance policies paid to beneficiaries upon the death of the insured, whether in a single sum or otherwise, but if such amounts are held by the insurer under an agreement to pay interest thereon, the interest payments shall be included in gross income.

(2) *Amount received by insured as return of premium.*—The amount received by the insured, as a return of premium or premiums paid by him under life insurance, endowment, or annuity contracts, either during the term or at the maturity of the term mentioned in the contract or upon surrender of the contract.

(3) *Gifts, bequests, and devises.*—The value of property acquired by gift, bequest, devise, or descent; but the income from such property shall be included in gross income.

(4) *Interest on Government securities.*—Interest upon the obligations of the United States to the extent provided in the act authorizing the issue thereof; interest upon the obligations of the Government of the Philippines or any political subdivision thereof, but in the case of such obligations issued after the approval of this Code, only to the extent provided in the act authorizing the issue thereof.

(5) *Compensation for injuries or sickness.*—Amounts received, through Accident or Health Insurance or under Workmen's Compensation Acts, as compensation for personal injuries or sickness, plus the amount of any damages received whether by suit or agreement on account of such injuries or sickness.

(6) *Income exempt under treaty.*—Income of any kind, to the extent required by any treaty obligation binding upon the Government of the Philippines.

(7) *Miscellaneous items.*—(A) Income of foreign governments received from their investments in the Philippines in stock, bonds, or other domestic securities, or from interest on their deposits in banks in the Philippines.

(B) Income derived from any public utility or from the exercise of any essential governmental function accruing to the Government of the Philippines or to any political subdivision thereof.

SEC. 30. *Deductions from gross income.*—In computing net income there shall be allowed as deductions—

(a) *Expenses:*

(1) *In General.*—All the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business, including a reasonable allowance for

salaries or other compensation for personal services actually rendered; traveling expenses while away from home in the pursuit of a trade or business; and rentals or other payments required to be made as a condition to the continued use or possession, for the purposes of the trade or business, of property to which the taxpayer has not taken or is not taking title or in which he has no equity.

(2) *Expenses allowable to nonresident alien individuals and foreign corporations.*—In the case of a nonresident alien individual or a foreign corporation, the expenses deductible are the necessary expenses paid or incurred in carrying on any business or trade conducted within the Philippines exclusively.

(b) *Interest:*

(1) *In General.*—The amount of interest paid within the taxable year on indebtedness, except on indebtedness incurred or continued to purchase or carry obligations the interest upon which is exempt from taxation as income under this Title.

(2) *Interest allowable to nonresident aliens.*—In the case of a nonresident alien individual or a foreign corporation, the amount of interest allowable is the proportion of the amount of interest paid within the year on indebtedness, except on indebtedness incurred or continued to purchase or carry obligations, the interest upon which is wholly exempt from taxation as income under this Title, which the gross amount of income for the year derived from sources within the Philippines bears to the gross amount of income derived from all sources within and without the Philippines; but this deduction shall be allowed only if such nonresident alien individual or foreign corporation includes in the return required by this Title all the information necessary for its calculation.

(c) *Taxes:*

(1) *In General.*—Taxes paid or accrued within the taxable year, except—

(A) The income tax provided for under this Title;

(B) Income, war-profits, and excess-profits taxes imposed by the authority of the United States, a possession of

the United States, or any foreign country; but this deduction shall be allowed in the case of a taxpayer who does not signify in his return his desire to have to any extent the benefits of paragraph (3) of this subsection (relating to credit for taxes of foreign countries);

(C) Estate, inheritance and gift taxes; and

(D) Taxes assessed against local benefits of a kind tending to increase the value of the property assessed.

(2) *Limitations on deductions.*—

(A) In the case of a nonresident alien individual and a foreign corporation, the deductions for taxes provided in paragraph (1) of this subsection (c) shall be allowed only if and to the extent that they are connected with income from sources within the Philippines; and

(B) In the case of a citizen of a foreign country residing in the Philippines whose income from sources within such foreign country is not taxable under this Title, only that portion of the taxes paid to such foreign country which corresponds to his net income taxable under this Title shall be allowed as deduction.

(3) *Credits against tax for taxes of foreign countries.*—If the taxpayer signifies in his return his desire to have the benefits of this paragraph, the tax imposed by this Title shall be credited with—

(A) *Citizen and domestic corporation.*—In the case of a citizen of the Philippines and of a domestic corporation, the amount of any income, war-profits, and excess-profits taxes paid or accrued during the taxable year to any foreign country;

(B) *Alien resident of the Philippines.*—In the case of an alien resident of the Philippines, the amount of any such taxes paid or accrued during the taxable year to any foreign country, if the foreign country of which such alien resident is a citizen or subject, in imposing such taxes, allows a similar credit to citizens of the Philippines residing in such country; and

(C) *Partnerships and estates.*—In the case of any such individual who is a member of a partnership or a beneficiary of an estate or trust, his proportionate share of such taxes of the partnership or the estate or trust paid or

accrued during the taxable year to a foreign country, if his distributive share of the income of such partnership or trust is reported for taxation under this Title.

(D) *Nonresident aliens and foreign corporations.*—Nonresident alien individuals and foreign corporations shall not be allowed the credits against the tax for taxes of foreign countries allowed under this paragraph.

(4) *Limitations on credit.*—The amount of the credit taken under this section shall be subject to each of the following limitations:

(A) The amount of the credit in respect of the tax paid or accrued to any country shall not exceed the same proportion of the tax against which such credit is taken, which the taxpayer's net income from sources within such country taxable under this Title bears to his entire net income for the same taxable year; and

(B) The total amount of the credit shall not exceed the same proportion of the tax against which such credit is taken, which the taxpayer's net income from sources without the Philippines taxable under this Title bears to his entire net income for the same taxable year.

(5) *Adjustments on payment of accrued taxes.*—If accrued taxes when paid differ from the amounts claimed as credits by the taxpayer, or if any tax paid is refunded in whole or in part, the taxpayer shall notify the Collector of Internal Revenue, who shall redetermine the amount of the tax for the year or years affected, and the amount of tax due upon such redetermination, if any, shall be paid by the taxpayer upon notice and demand by the Collector, or the amount of tax overpaid, if any, shall be credited or refunded to the taxpayer. In the case of such a tax accrued but not paid, the Collector as a condition precedent to the allowance of this credit may require the taxpayer to give a bond with sureties satisfactory to and to be approved by the Collector in such sum as he may require, conditioned upon the payment by the taxpayer of any amount of tax found due upon any such redetermination. The bond herein prescribed shall contain such further conditions as the Collector may require.

(6) *Year in which credit taken.*—The credits provided for in paragraph (3) of this subsection may, at the option of the taxpayer and irrespective of the method of accounting employed in keeping his books, be taken in the year in which the taxes of the foreign country accrued, subject, however, to the conditions prescribed in paragraph 5 of this subsection. If the taxpayer elects to take such credits in the year in which the taxes of the foreign country accrued, the credits for all subsequent years shall be taken upon the same basis, and no portion of any such taxes shall be allowed as a deduction in the same or any succeeding year.

(7) *Proof of credits.*—The credits provided in paragraph (3) of this subsection shall be allowed only if the taxpayer establishes to the satisfaction of the Collector (1) the total amount of income derived from sources without the Philippines, (2) the amount of income derived from each country, the tax paid or accrued to which is claimed as a credit under said paragraph, such amount to be determined under rules and regulations prescribed by the Secretary of Finance, and (3) all other information necessary for the verification and computation of such credits.

(8) *Taxes of foreign subsidiary.*—For the purposes of this subsection a domestic corporation which owns a majority of the voting stock of a foreign corporation from which it receives dividends in any taxable year shall be deemed to have paid the same proportion of any income, war-profits, or excess-profits taxes paid by such foreign corporation to any foreign country, upon or with respect to the accumulated profits of such foreign corporation from which such dividends were paid, which the amount of such dividends bears to the amount of such accumulated profits: *Provided*, That the amount of tax deemed to have been paid under this subsection shall in no case exceed the same proportion of the tax against which credit is taken which the amount of such dividends bears to the amount of the entire net income of the domestic corporation in which such dividends are included. The term "accumulated profits" when used in this subsection in reference to a foreign corporation, means the amount of its gains, profits, or in-

come in excess of the income, war-profits, and excess-profits taxes imposed upon or with respect to such profits or income; and the Collector of Internal Revenue shall have full power to determine from the accumulated profits of what year or years such dividends were paid; treating dividends paid in the first sixty days of any year as having been paid from the accumulated profits of the preceding year or years (unless to his satisfaction shown otherwise), and in other respects treating dividends as having been paid from the most recently accumulated gains, profits, or earnings. In the case of a foreign corporation, the income, war-profits, and excess-profits taxes of which are determined on the basis of an accounting period of less than one year, the word "year" as used in this subsection shall be construed to mean such accounting period.

(9) *Taxes of shareholder paid by corporation.*—The deduction for taxes allowed by subsection (c) shall be allowed to a corporation in the case of taxes imposed upon a shareholder of the corporation upon his interest as shareholder which are paid by the corporation without reimbursement from the shareholder, but in such cases no deduction shall be allowed the shareholder for the amount of such taxes.

(d) *Losses:*

(1) *By individuals.*—In the case of an individual, losses actually sustained during the taxable year and not compensated for by insurance or otherwise—

(A) If incurred in trade or business; or

(B) If incurred in any transaction entered into for profit, though not connected with the trade or business; or

(C) Of property not connected with the trade or business, if the loss arises from fires, storms, shipwreck, or other casualty, or from robbery, theft, or embezzlement no loss shall be allowed as a deduction under this paragraph if at the time of the filing of the return such loss has been claimed as a deduction for estate or inheritance tax purposes in the estate or inheritance tax return.

(2) *By corporations.*—In the case of a corporation, all losses actually sustained and charged off within the taxable year and not compensated for by insurance or otherwise.

(3) *By nonresident aliens or foreign corporations.*—In the case of a nonresident alien individual or a foreign corporation, the losses deductible are those actually sustained during the year incurred in business or trade conducted within the Philippines, and losses of property within the Philippines arising from fires, storms, shipwreck, or other casualty, and from robbery, theft, or embezzlement, and losses actually sustained during the year in transactions entered into for profit in the Philippines although not connected with their business or trade, when such losses are not compensated for by insurance or otherwise.

(4) *Capital losses.*—

(A) *Limitation.*—Losses from sales or exchanges of capital assets shall be allowed only to the extent provided in section 34.

(B) *Securities becoming worthless.*—If any securities as defined in section 84 become worthless during the taxable year and are capital assets, the loss resulting therefrom shall, for the purposes of this Title, be considered as a loss from the sale or exchange, on the last day of such taxable year, of capital assets.

(5) *Losses on wash sales of stock or securities.*—Losses on “wash sales” of stock or securities as provided in section 33.

(6) *Wagering losses.*—Losses from wagering transactions shall be allowed only to the extent of the gains from such transactions.

(e) *Bad debts:*

(1) *In general.*—Debts due to the taxpayer actually ascertained to be worthless and charged off within the taxable year.

(2) *Bad debts deductible by nonresident aliens or foreign corporations.*—In the case of a nonresident alien individual or a foreign corporation, bad debts are deductible if they have arisen in the course of business or trade conducted within the Philippines and actually ascertained to be worthless and charged off within the year.

(3) *Securities becoming worthless.*—If any securities as defined in section 84 are ascertained to be worthless and charged off within the taxable year and are capital assets,

the loss resulting therefrom shall, in the case of a taxpayer other than a bank or trust company incorporated under the laws of the Philippines or the United States a substantial part of whose business is the receipt of deposits, for the purposes of this Title, be considered as a loss from the sale or exchange, on the last day of such taxable year, of capital assets.

(f) *Depreciation:*

(1) *In general.*—A reasonable allowance for deterioration of property arising out of its use or employment in the business or trade, or out of its not being used: *Provided*, That when the allowance authorized under this subsection shall equal the capital invested by the taxpayer or, in case of purchase made prior to March first, nineteen hundred and thirteen, the fair market value as of that date, no further allowance shall be made. In the case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant. In the case of property held in trust, the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income allocable to each.

(2) *Depreciation deductible by nonresident aliens or foreign corporations.*—In the case of a nonresident alien individual or a foreign corporation, a reasonable allowance for the deterioration of property arising out of its use or employment or its nonuse in the business or trade shall be permitted only when such property is located within the Philippines.

(g) *Depletion of oil and gas wells and mines:*

(1) *In general.*—(A) In the case of oil and gas wells, a reasonable allowance for actual reduction in flow and production to be ascertained not by the flush flow, but by the settled production or regular flow; (B) in the case of mines, a reasonable allowance for depletion thereof not to exceed the market value in the mine of the product

thereof, which has been mined and sold during the year for which the return and computation are made. The allowances shall be made under rules and regulations to be prescribed by the Secretary of Finance: *Provided*, That when the allowances shall equal the capital invested, or in case of purchase made prior to March first, nineteen hundred and thirteen, the fair market value as of that date, no further allowance shall be made.

(2) *Depletion of oil and gas wells and mines deductible by nonresident aliens or foreign corporations.*—In the case of a nonresident alien individual or a foreign corporation, allowance for depletion of oil and gas wells or mines under paragraph (1) shall be authorized only in respect to oil and gas wells or mines located within the Philippines.

(h) *Charitable and other contributions.*—Contributions or gifts actually paid or made within the taxable year to or for the use of the Government of the Philippines or any political subdivision thereof for exclusively public purposes, or to domestic corporations or associations organized and operated exclusively for religious, charitable, scientific, athletic, cultural or educational purposes, or to societies for the prevention of cruelty to children or animals, no part of the net income of which is distributed to any private stockholder or individual to, an amount not in excess of six *per centum* in the case of an individual, and three *per centum* in the case of a corporation, of the taxpayer's taxable net income as computed without the benefit of this paragraph. Such contributions or gifts shall be allowable as deductions only if verified under rules and regulations prescribed by the Secretary of Finance.

(i) *Conditions under which a nonresident alien individual may receive benefit of deductions.*—A nonresident alien individual shall receive the benefit of the deductions provided for in this section only by filing or causing to be filed with the Collector of Internal Revenue a true and accurate return of his total income, received from all sources, corporate or otherwise, in the Philippines, in the manner prescribed by this Code; and in case of his failure to

file such return the Collector of Internal Revenue shall collect the tax on such income.

(j) *Pension trusts—General rule.*—An employer establishing or maintaining a pension trust to provide for the payment of reasonable pensions to his employees shall be allowed as a deduction (in addition to the contributions to such trusts during the taxable year to cover the pension liability accruing during the year, allowed as a deduction under subsection (a) of this section) a reasonable amount transferred or paid into such trust during the taxable year in excess of such contributions, but only if such amount (1) has not theretofore been allowable as a deduction, and (2) is apportioned in equal parts over a period of ten consecutive years beginning with the year in which the transfer or payment is made.

SEC. 31. *Items not deductible.*—(a) *General rule.*—In computing net income no deduction shall in any case be allowed in respect of—

- (1) Personal, living, or family expenses;
- (2) Any amount paid out for new buildings or for permanent improvements, or betterments made to increase the value of any property or estate;
- (3) Any amount expended in restoring property or in making good the exhaustion thereof for which an allowance is or has been made; or
- (4) Premiums paid on any life insurance policy covering the life of any officer or employee, or of any person financially interested in any trade or business carried on by the taxpayer, individual or corporate, when the taxpayer is directly or indirectly a beneficiary under such policy.

(b) *Losses from sales or exchanges of property.*—In computing net income no deduction shall in any case be allowed in respect of losses from sales or exchanges of property, directly or indirectly—

(1) Between members of a family. For the purposes of this paragraph, the family of an individual shall include only his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants;

(2) Except in the case of distributions in liquidation, between an individual and a corporation more than fifty

per centum in value of the outstanding stock of which is owned, directly or indirectly, by or for such individual;

(3) Except in the case of distributions in liquidation, between two corporations more than fifty *per centum* in value of the outstanding stock of each of which is owned, directly or indirectly, by or for the same individual, if either one of such corporations, with respect to the taxable year of the corporation preceding the date of the sale or exchange was, under the law applicable to such taxable year, a personal holding company or a foreign personal holding company;

(4) Between a grantor and a fiduciary of any trust;

(5) Between the fiduciary of a trust and the fiduciary of another trust, if the same person is a grantor with respect to each trust; or

(6) Between a fiduciary of a trust and a beneficiary of such trust.

SEC. 32. *Special provisions regarding income and deductions of insurance companies, whether domestic or foreign.*—(a) *Special deductions allowed to insurance companies.*—In the case of insurance companies, whether domestic or foreign, the net additions, if any, required by law to be made within the year to reserve funds and the sums other than dividends paid within the year on policy and annuity contracts may be deducted from their gross income.

(b) *Mutual insurance companies.*—In the case of mutual fire and mutual employers' liability and mutual workmen's compensation and mutual casualty insurance companies requiring their members to make premium deposits to provide for losses and expenses, said companies shall not return as income any portion of the premium deposits returned to their policyholders, but shall return as taxable income all income received by them from all other sources plus such portion of the premium deposits as are retained by the companies for purposes other than the payment of losses and expenses and re-insurance reserves.

(c) *Mutual marine insurance companies.*—Mutual marine insurance companies shall include in their return of gross income gross premiums collected and received by them

less amounts paid for re-insurance, but shall be entitled to include in deductions from gross income amounts repaid to policyholders on account of premiums previously paid by them, and interest paid upon such amounts between the ascertainment thereof and the payment thereof.

(d) *Life insurance companies.*—Life insurance companies shall not include as income in any year such portion of any actual premium received from any individual policyholder as shall have been paid back or credited to such individual policyholder, or treated as an abatement of premium of such individual policyholder within the taxable year.

(e) *Assessment insurance companies.*—In the case of assessment insurance companies, whether domestic or foreign, the actual deposit of sums with the officers of the Government of the Philippines pursuant to law, as additions to guarantee or reserve funds, shall be treated as payments required by law to reserve funds.

SEC. 33. *Losses from wash sales of stock or securities.*—

(a) In the case of any loss claimed to have been sustained from any sale or other disposition of shares of stock or securities where it appears that, within a period beginning thirty days before the date of such sale or disposition and ending thirty days after such date, the taxpayer has acquired (by purchase or by exchange upon which the entire amount of gain or loss was recognized by law), or has entered into a contract or option so to acquire, substantially identical stock or securities, then no deduction for the loss shall be allowed under section 30 unless the claim is made by a dealer in stocks or securities, and with respect to a transaction made in the ordinary course of the business of such dealer.

(b) If the amount of stock or securities acquired (or covered by the contract or option to acquire) is less than the amount of stock or securities sold or otherwise disposed of, then the particular shares of stock or securities the loss from the sale or other disposition of which is not deductible shall be determined under rules and regulations prescribed by the Secretary of Finance.

(c) If the amount of stock or securities acquired (or covered by the contract or option to acquire) is not less than the amount of stock or securities sold or otherwise disposed of, then the particular shares of stock or securities the acquisition of which (or the contract or option to acquire which) resulted in the nondeductibility of the loss shall be determined under rules and regulations prescribed by the Secretary of Finance.

SEC. 34. *Capital gains and losses.*—(a) *Definition.*—As used in this Title—

The term “capital assets” means property held by the taxpayer (whether or not connected with his trade or business), but does not include stock in trade of the taxpayer or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business, or property, used in the trade or business, of a character which is subject to the allowance for depreciation provided in subsection (f) of section 30;

(b) *Percentage taken into account.*—In computing net income, only fifty *per centum* of the gain or loss recognized upon the sale or exchange of a capital asset shall be taken into account.

(c) *Limitation on capital losses.*—Losses from sales or exchanges of capital assets shall be allowed only to the extent of the gains from such sales or exchanges. If a bank or trust company incorporated under the laws of the Philippines or of the United States, a substantial part of whose business is the receipt of deposits, sells any bond, debenture, note, or certificate or other evidence of indebtedness issued by any corporation (including one issued by a government or political subdivision thereof), with interest coupons or in registered form, any loss resulting from such sale shall not be subject to the foregoing limitation and shall not be included in determining the applicability of such limitation to other losses.

(d) *Retirement of bonds, etc.*—For the purposes of this Title, amounts received by the holder upon the retirement of bonds, debentures, notes, or certificates or other evidences of indebtedness issued by any corporation (including those issued by a government or political subdivision thereof), with interest coupons or in registered form, shall be considered as amounts received in exchange therefor.

(e) *Gains and losses from short sales, etc.*—For the purpose of this Title—

(1) Gains or losses from short sales of property shall be considered as gains or losses from sales or exchanges of capital assets; and

(2) Gains or losses attributable to the failure to exercise privileges or options to buy or sell property shall be considered as capital gains or losses.

SEC. 35. *Determination of gain or loss from the sale or other disposition of property.*—The gain derived or loss sustained from the sale or other disposition of property, real, personal, or mixed, shall be determined in accordance with the following schedule:

(a) In the case of property acquired before March first, nineteen hundred and thirteen, the fair market price or value of such property as of March first, nineteen hundred and thirteen.

(b) In the case of property acquired on or after March first, nineteen hundred and thirteen, the cost thereof if such property was acquired by purchase or the fair market price or value as of the date of the acquisition if the same was acquired by gratuitous title.

(c) In the case of the exchange of one piece of property for another, the property received in exchange shall be considered as the equivalent of money in a sum equal to its fair market value on the date on which the exchange was made.

SEC. 36. *Inventories.*—Whenever in the judgment of the Collector of Internal Revenue, the use of inventories is necessary in order to determine clearly the income of any taxpayer, inventories shall be taken by such taxpayer upon such basis as the Secretary of Finance may, by regulations, prescribe, as conforming as nearly as may be to the best

accounting practice in the trade or business and as most clearly reflecting the income.

SEC. 37. *Income from sources within the Philippines.*—

(a) *Gross income from sources within the Philippines.*—The following items of gross income shall be treated as gross income from sources within the Philippines:

(1) *Interest.*—Interest derived from sources within the Philippines, and interest on bonds, notes, or other interest-bearing obligations of residents, corporate or otherwise;

(2) *Dividends.*—The amount received as dividends—

(A) From a domestic corporation;

(B) From a foreign corporation unless less than fifty *per centum* of the gross income of such foreign corporation for the three-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence) was derived from sources within the Philippines as determined under the provisions of this section; but only in an amount which bears the same ratio to such dividends as the gross income of the corporation for such period derived from sources within the Philippines bears to its gross income from all sources;

(3) *Services.*—Compensation for labor or personal services performed in the Philippines;

(4) *Rentals and royalties.*—Rentals and royalties from property located in the Philippines or from any interest in such property, including rentals or royalties for the use of or for the privilege of using in the Philippines patents, copyrights, secret processes and formulas, goodwill, trademarks, trade brands, franchise, and other like property;

(5) *Sale of real property.*—Gains, profits, and income from the sale of real property located in the Philippines; and

(6) *Sale of personal property.*—Gains, profits, and income from the sale of personal property, as determined in subsection (e) of this section.

(b) *Net income from sources in the Philippines.*—From the items of gross income specified in subsection (a) of this section there shall be deducted the expenses, losses, and other deductions properly apportioned or allocated thereto and a ratable part of any expenses, losses, or other deduc-

tions which can not definitely be allocated to some item or class of gross income. The remainder, if any, shall be included in full as net income from sources within the Philippines.

(c) *Gross income from sources without the Philippines.*—The following items of gross income shall be treated as income from sources without the Philippines:

(1) Interest other than that derived from sources within the Philippines as provided in paragraph (1) of subsection (a) of this section;

(2) Dividends other than those derived from sources within the Philippines as provided in paragraph (2) of subsection (a) of this section;

(3) Compensation for labor or personal services performed without the Philippines;

(4) Rentals or royalties from property located without the Philippines or from any interest in such property, including rentals or royalties for the use of or for the privilege of using without the Philippines, patents, copyrights, secret processes and formulas, good will, trademarks, trade brands, franchises, and other like properties; and

(5) Gains, profits, and income from the sale of real property located without the Philippines.

(d) *Net income from sources without the Philippines.*—

From the items of gross income specified in subsection (c) of this section there shall be deducted the expenses, losses, and other deductions properly apportioned or allocated thereto, and a ratable part of any expenses, losses, or other deductions which cannot definitely be allocated to some item or class of gross income. The remainder, if any, shall be treated in full as net income from sources without the Philippines.

(e) *Income from sources partly within and partly without the Philippines.*—Items of gross income, expenses, losses and deductions, other than those specified in subsections (a) and (c) of this section shall be allocated or apportioned to sources within or without the Philippines,

under rules and regulations prescribed by the Secretary of Finance. Where items of gross income are separately allocated to sources within the Philippines, there shall be deducted (for the purpose of computing the net income therefrom) the expenses, losses, and other deductions properly apportioned or allocated thereto and a ratable part of other expenses, losses or other deductions which can not definitely be allocated to some item or class of gross income. The remainder, if any, shall be included in full as net income from sources within the Philippines. In the case of gross income derived from sources partly within and partly without the Philippines, the net income may first be computed by deducting the expenses, losses, or other deductions apportioned or allocated thereto and a ratable part of any expenses, losses, or other deductions which can not definitely be allocated to some items or class of gross income; and the portion of such net income attributable to sources within the Philippines may be determined by processes or formulas of general apportionment prescribed by the Secretary of Finance. Gains, profits, and income from (1) transportation or other services rendered partly within and partly without the Philippines, or (2) from the sale of personal property produced (in whole or part) by the taxpayer within and sold without the Philippines, or produced (in whole or in part) by the taxpayer without and sold within the Philippines, shall be treated as derived partly from sources within and partly from sources without the Philippines. Gains, profits, and income derived from the purchase of personal property within and its sale without the Philippines or from the purchase of personal property without and its sale within the Philippines, shall be treated as derived entirely from sources within the country in which sold.

(f) *Definitions*.—As used in this section the words “sale” or “sold” include “exchange” or “exchanged”; and the word “produced” includes “created”, “fabricated”, “manufactured”, “extracted”, “processed”, “cured”, or “aged”.

CHAPTER V.—*Accounting and Methods of Accounting*

SEC. 38. *General rule.*—The net income shall be computed upon the basis of the taxpayer's annual accounting period (fiscal year or calendar year, as the case may be) in accordance with the method of accounting regularly employed in keeping the books of such taxpayer; but if no such method of accounting has been so employed, or if the method employed does not clearly reflect the income, the computation shall be made in accordance with such method as in the opinion of the Collector of Internal Revenue does clearly reflect the income. If the taxpayer's annual accounting period is other than a fiscal year, as defined in section 84, or if the taxpayer has no annual accounting period, or does not keep books, or if the taxpayer is an individual, the net income shall be computed on the basis of the calendar year.

SEC. 39. *Period in which items of gross income included.*—The amount of all items of gross income shall be included in the gross income for the taxable year in which received by the taxpayer, unless, under methods of accounting permitted under section 38, any such amounts are to be properly accounted for as of a different period. In the case of the death of a taxpayer there shall be included in computing net income for the taxable period in which falls the date of his death, amounts accrued up to the date of his death if not otherwise properly includible in respect of such period or a prior period.

SEC. 40. *Period for which deductions and credits taken.*—The deductions provided for in this Title shall be taken for the taxable year in which "paid or accrued" or "paid or incurred", dependent upon the method of accounting upon the basis of which the net income is computed, unless in order to clearly reflect the income the deductions should be taken as of a different period. In the case of the death of a taxpayer there shall be allowed as deductions for the taxable period in which falls the date of his death, amounts accrued up to the date of his death if not otherwise properly allowable in respect of such period or a prior period.

SEC. 41. *Change of accounting period.*—If a taxpayer, other than an individual, changes his accounting period from fiscal year to calendar year, from calendar year to fiscal year, or from one fiscal year to another, the net income shall, with the approval of the Collector of Internal Revenue, be computed on the basis of such new accounting period, subject to the provisions of section 42.

SEC. 42. *Returns for a period of less than twelve months.*
—(a) *Returns for short period resulting from change of accounting period.*—If a taxpayer, other than an individual, with the approval of the Collector of Internal Revenue, changes the basis of computing net income from fiscal year to calendar year a separate return shall be made for the period between the close of the last fiscal year for which return was made and the following December 31. If the change is from calendar year to fiscal year, a separate return shall be made for the period between the close of the last calendar year for which return was made and the date designated as the close of the fiscal year. If the change is from one fiscal year to another fiscal year a separate return shall be made for the period between the close of the former fiscal year and the date designated as the close of the new fiscal year.

(b) *Income computed on basis of short period.*—Where a separate return is made under subsection (a) on account of a change in the accounting period, and in all other cases where a separate return is required or permitted, by regulations prescribed by the Secretary of Finance, to be made for a fractional part of a year, then the income shall be computed on the basis of the period for which separate return is made.

SEC. 43. *Installment basis.*—(a) *Dealers in personal property.*—Under regulations prescribed by the Secretary of Finance, a person who regularly sells or otherwise disposes of personal property on the installment plan may return as income therefrom in any taxable year that proportion of the installment payments actually received in that year

which the gross profit realized or to be realized when payment is completed, bears to the total contract price.

(b) *Sales of realty and casual sales of personalty.*—In the case (1) of a casual sale or other casual disposition of personal property (other than property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year), for a price exceeding one thousand pesos, or (2) of a sale or other disposition of real property, if in either case the initial payments do not exceed twenty-five *per centum* of the selling price, the income may, under regulations prescribed by the Secretary of Finance, be returned on the basis and in the manner above prescribed in this section. As used in this section the term "initial payments" means the payments received in cash or property other than evidences of indebtedness of the purchaser during the taxable period in which the sale or other disposition is made.

(c) *Change from accrual to installment basis.*—If a taxpayer entitled to the benefits of subsection (a) elects for any taxable year to report his net income on the installment basis, then in computing his income for the year of change or any subsequent year, amounts actually received during any such year on account of sales or other dispositions of property made in any prior year shall not be excluded.

SEC. 44. *Allocation of income and deductions.*—In any case of two or more organizations, trades, or businesses (whether or not incorporated and whether or not organized in the Philippines) owned or controlled directly or indirectly by the same interests, the Collector of Internal Revenue is authorized to distribute, apportion, or allocate gross income or deductions between or among such organizations, trades, or businesses, if he determines that such distribution, apportionment, or allocation is necessary in order to prevent evasion of taxes or clearly to reflect the income of any of such organizations, trades, or businesses.

CHAPTER VI.—*Returns and Payment of Tax*

SEC. 45. *Individual returns.*—(a) *Requirement.*—(1) Every citizen of the Philippines of lawful age, whether residing at home or abroad and, (2) every person residing in the Philippines, though not a citizen thereof, having a gross income of one thousand pesos or over, including dividends, for the taxable year, and (3) every nonresident alien deriving income from sources within the Philippines regardless of amount, shall file an income tax return, in duplicate, setting forth specifically the gross amount of income from all sources and deducting from the total thereof the aggregate items of allowances authorized under this Title, in such form and manner as the Collector of Internal Revenue, with the approval of the Secretary of Finance, may prescribe.

(b) *Where to file.*—The return shall be filed with the Collector of Internal Revenue, provincial revenue agent, or treasurer of the province, city, or municipality in which such person has his legal residence or principal place of business, or if there be no legal residence or place of business in the Philippines, then with the Collector of Internal Revenue in Manila.

(c) *When to file.*—The return shall be filed on or before the first day of March of each year covering income of the preceding calendar year, or within the extension which may be granted by the Collector of Internal Revenue as herein set forth.

(d) *Husband and wife.*—In the case of married persons, whether citizens, resident or nonresident aliens, only one consolidated return for the taxable year shall be filed by either spouse to cover the income of both spouses; but where it is impracticable for the spouses to file one consolidated return, each spouse may file his separate return of income, but the returns so filed shall be consolidated for the purpose of the tax prescribed under this Title.

(e) *Return of parent to include income of children.*—The income of unmarried minors derived from property received from a living parent shall be included in the return of the parent, except (1) when the gift tax has been paid on such property, or (2) when the transfer of such property is exempt from the gift tax.

(f) *Persons under disability.*—If the taxpayer is unable to make his own return, the return may be made by his duly authorized agent or representative or by the guardian or other person charged with the care of his person or property, the principal and his representative or guardian assuming the responsibility of making the return and incurring penalties provided for erroneous, false, or fraudulent returns.

(g) *Signature presumed correct.*—The fact that an individual's name is signed to a filed return shall be *prima facie* evidence for all purposes that the return was actually signed by him.

SEC. 46. *Corporation returns.*—(a) *Requirement.*—Every corporation, subject to the tax herein imposed, shall render, in duplicate, a true and accurate return of its annual net income in the manner and form prescribed by the Collector of Internal Revenue with the approval of the Secretary of Finance, and containing such facts, data, and information as are appropriate and in the opinion of the Collector of Internal Revenue necessary to determine the correctness of the net income returned and to carry out the provisions of this Title. The return shall be filed by the president, vice-president, or other principal officer, and shall be sworn to by such officer and by the treasurer or assistant treasurer.

(b) *When to file.*—The return shall be rendered on or before the first day of March of each year for the preceding calendar year, or if the corporation has designated a fiscal year, then within sixty days after the close of such fiscal year.

(c) *Where to file.*—The return shall be made to the Collector of Internal Revenue, provincial revenue agent, or to the treasurer of the province, city, or municipality in which

is located the principal office of the corporation where its books of account and other data from which the return is prepared are kept, or in the case of a foreign corporation, to the Collector of Internal Revenue, provincial revenue agent, or to the treasurer of the province, city, or municipality in which is located its principal place of business in the Philippines, or if it has no office of any kind or agency in the Philippines, then to the Collector of Internal Revenue in Manila. All such returns shall as received be transmitted forthwith by the officer receiving them to the Collector of Internal Revenue.

(d) *Fiscal year of corporations.*—Every corporation subject to tax, including duly registered general copartnerships, may designate the last day of any month in the year as the day of the closing of its fiscal year, and shall be entitled to have the tax payable by it computed upon the basis of the net income ascertained as herein provided for the year ending on the day so designated in the year preceding the date of assessment instead of upon the basis of the net income for the calendar year preceding the date of assessment; and it shall give notice of the day it has thus designated as the closing of its fiscal year to the Collector of Internal Revenue at any time not less than thirty days prior to the first day of March of the year in which its return would be filed if made upon the basis of the calendar year.

SEC. 47. *Extension of time to file returns.*—The Collector of Internal Revenue may, in meritorious cases, grant a reasonable extension of time for filing returns of income.

SEC. 48. *Returns of receivers, trustees in bankruptcy, or assignees.*—In cases wherein receivers, trustees in bankruptcy, or assignees are operating the property or business of a corporation, subject to the tax imposed by this Title, such receivers, trustees, or assignees shall make returns of net income as and for such corporation, in the same manner and form as such organization is hereinbefore required to make returns, and any tax due on the income as returned by receivers, trustees, or assignees shall be assessed and collected in the same manner as if assessed

directly against the organizations of whose businesses or properties they have custody and control.

SEC. 49. *Returns of duly registered general copartnerships.*—Every duly registered general copartnership (*compañía colectiva*) shall render, in duplicate, a return of its earnings, profits, and income, except income exempt under subsection (b) of section 29 of this Title, setting forth the items of the gross income and the deductions allowed by this Code, and the names and addresses of individuals who would be entitled to the net earnings, profits, and income, if distributed.

SEC. 50. *Returns to be verified by oath.*—The Collector of Internal Revenue or other internal-revenue officer shall require every return to be verified by the oath of the party rendering it. If the Collector or other internal-revenue officer has reason to believe that the amount of any income returned is understated, he shall give due notice to the person making the return to show cause why the amount of income declared in the return should not be increased, and, upon proof of the amount understated, may increase the same accordingly. Such person may furnish sworn testimony to prove any relevant facts, and, if dissatisfied with the decision of an internal-revenue officer, may appeal to the Collector of Internal Revenue for his decision under such rules of procedure as may be prescribed by regulations.

SEC. 51. *Assessment and payment of income tax.*—(a) *Assessment of tax.*—All assessments shall be made by the Collector of Internal Revenue and all persons and corporations subject to tax shall be notified of the amount for which they are respectively liable on or before the first day of May of each successive year.

(b) *Time of payment.*—The total amount of tax imposed by this Title shall be paid on or before the fifteenth day of May following the close of the calendar year, by the person subject to tax, and, in the case of a corporation, by the president, vice-president, or other responsible officer thereof. If the return is made on the basis of a fiscal year, the total amount of the tax shall be paid on or before the fifteenth day of the fifth month following the close of the fiscal year.

(c) *Installment payments.*—When the tax assessed against the taxpayer is in excess of ten pesos, the taxpayer may elect to pay the tax in two equal installments in which case the first installment shall be paid on or before the date prescribed in the preceding subsection, and the second installment, on or before the fifteenth day of August following the close of the calendar year, or on or before the fifteenth day of the eighth month following the close of the fiscal year, as the case may be. If any installment is not paid on or before the date fixed for its payment, the whole amount of the tax unpaid shall be paid upon notice and demand from the Collector of Internal Revenue.

(d) *Refusal or neglect to make returns; fraudulent returns, etc.*—In cases of refusal or neglect to make a return and in cases of erroneous, false, or fraudulent returns, the Collector of Internal Revenue shall, upon the discovery thereof, at any time within three years after said return is due, or has been made, make a return upon information obtained as provided for in this code or by existing law, or require the necessary corrections to be made, and the assessment made by the Collector of Internal Revenue thereon shall be paid by such person or corporation immediately upon notification of the amount of such assessment.

(e) *Surcharge and interest in case of delinquency.*—To any sum or sums due and unpaid after the dates prescribed in subsections (b), (c) and (d) for the payment of the same, there shall be added the sum of five *per centum* on the amount of tax unpaid and interest at the rate of one *per centum* a month upon said tax from the time the same became due, except from the estates of insane, deceased, or insolvent persons.

SEC. 52. *Receipts for payments made.*—It shall be the duty of the Collector of Internal Revenue or other internal-revenue officer to whom any payment of any taxes is made under the provisions of this Title, to give to the person making such payment a full written or printed receipt, expressing the amount paid and the particular account for

which such payment was made; and whenever such payment is made, such Collector or other officer shall, if required, give a separate receipt for each tax paid by any debtor, on account of payments made to or to be made by him to separate creditors in such form that such debtor can conveniently produce the same separately to his several creditors in satisfaction of their respective demands to the amounts specified in such receipts; and such receipts shall be sufficient evidence in favor of such debtor to justify him in withholding the amount therein expressed from his next payment to his creditor; but such creditor may, upon giving to his debtor a full written receipt, acknowledging the payment to him of whatever sum may be actually paid, and accepting the amount of tax paid as aforesaid, specifying the same, as a further satisfaction of the debt to that amount, require the surrender to him of such Collector's or other officer's receipt.

SEC. 53. *Withholding of tax at source.*—(a) *Tax-free covenant bonds*—(1) *Requirement of withholding.*—In any case where bonds, mortgages, deeds of trust, or other similar obligations of domestic or resident foreign corporations, contain a contract or provision by which the obligor agrees to pay any portion of the tax imposed by this Title upon the obligee or to reimburse the obligee for any portion of the tax or to pay the interest without deduction for any tax which the obligor may be required or permitted to pay thereon or to retain therefrom under any law of the Philippines, or of any state or country, the obligor shall deduct and withhold a tax equal to eight *per centum* of the interest upon such bonds, mortgages, deeds of trust, or other obligations, whether such interest is payable annually or at shorter or longer periods, and whether such bonds, obligations, or securities had been heretofore or are hereafter issued or marketed, and the interest thereon paid, within or without the Philippines if such interest is payable to a nonresident alien individual or to a citizen or resident of the Philippines.

(2) *Benefit of exemptions against net income.*—Such deduction and withholding shall not be required in the case

of a citizen or resident entitled to receive such interest if such person shall file with the withholding agent, on or before February first, a signed notice in writing claiming the benefit of the exemption provided in section 23 of this Title.

(b) *Nonresident aliens.*—All persons, corporations, and general copartnerships (*compañías colectivas*), in whatever capacity acting, including lessees or mortgagors of real or personal property, trustees acting in any trust capacity, executors, administrators, receivers, conservators, fiduciaries, employers, and all officers and employees of the Government of the Philippines having the control, receipt, custody, disposal, or payment of interests, dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income of any nonresident alien individual, not engaged in trade or business within the Philippines and not having any office or place of business therein, shall (except in the cases provided for in subsection (a) of this section) deduct and withhold from such annual or periodical gains, profits, and income a tax equal to eight *per centum* thereof: *Provided*, That no such deduction or withholding shall be required in the case of dividends paid by a foreign corporation unless (1) such corporation is engaged in trade or business within the Philippines or has an office or place of business therein, and (2) more than eighty-five *per centum* of the gross income of such corporation for the three-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence) was derived from sources within the Philippines as determined under the provisions of section 37: *Provided, further*, That the Collector of Internal Revenue may authorize such tax to be deducted and withheld from the interest upon any securities the owners of which are not known to the withholding agent.

(c) *Return and payment.*—Every person required to deduct and withhold any tax under this section shall make

return thereof, in duplicate, on or before March first of each year, and, on or before the time fixed by law for the payment of the tax, shall pay the amount withheld to the officer of the Government of the Philippines authorized to receive it. Every such person is made personally liable for such tax, and is indemnified against the claims and demands of any person for the amount of any payments made in accordance with the provisions of this section.

(d) *Income of recipient.*—Income upon which any tax is required to be withheld at the source under this section shall be included in the return of the recipient of such income, but any amount of tax so withheld shall be credited against the amount of income tax as computed in such return and the amount, if any, by which the income tax collected at source exceeds the tax due on the return shall be refunded subject to the provisions of section 309.

(e) *Tax paid by recipient.*—If any tax required under this section to be deducted and withheld is paid by the recipient of the income, it shall not be re-collected from the withholding agent; nor in cases in which the tax is so paid shall any penalty be imposed upon or collected from the recipient of the income or the withholding agent for failure to return or pay the same, unless such failure was fraudulent and for the purpose of evading payment.

SEC. 54. *Payment of corporation income tax at source.*—In the case of foreign corporations subject to taxation under this Title not engaged in trade or business within the Philippines and not having any office or place of business therein, there shall be deducted and withheld at the source in the same manner and upon the same items of income as is provided in section 53 a tax equal to eight *per centum* thereof, and such tax shall be returned and paid in the same manner and subject to the same conditions as provided in that section.

SEC. 55. *Tax on profits collectible from owner or other persons.*—The tax imposed under this Title upon gains, profits, and income not falling under the foregoing and not returned and paid by virtue of the foregoing or as otherwise

provided by law shall be assessed by personal return under rules and regulations to be prescribed by the Secretary of Finance. The intent and purpose of this Title is that all gains, profits, and income of a taxable class, as defined in this Title, shall be charged and assessed with the corresponding tax prescribed by this Title, and said tax shall be paid by the owner of such gains, profits, and income, or the proper person having the receipt, custody, control, or disposal of the same. For the purpose of this Title ownership of such gains, profits, and income or liability to pay the tax shall be determined as of the year for which a return is required to be rendered.

CHAPTER VII.—*Estates and Trusts*

SEC. 56. *Imposition of tax.*—(a) *Application of tax.*—The taxes imposed by this Title upon individuals shall apply to the income of estates or of any kind of property held in trust, including—

(1) Income accumulated in trust for the benefit of unborn or unascertained persons or persons with contingent interests, and income accumulated or held for future distribution under the terms of the will or trust;

(2) Income which is to be distributed currently by the fiduciary to the beneficiaries, and income collected by a guardian of an infant which is to be held or distributed as the court may direct;

(3) Income received by estates of deceased persons during the period of administration or settlement of the estate; and

(4) Income which, in the discretion of the fiduciary, may be either distributed to the beneficiaries or accumulated.

(b) *Computation and payment.*—

(1) *In general.*—The tax shall be computed upon the net income of the estate or trust and shall be paid by the fiduciary, except as provided in section 59 (relating to revocable trusts) and section 60 (relating to income for the benefit of the grantor);

(2) *Consolidation of income of two or more trusts.*—Where, in the case of two or more trusts, the creator of

the trust in each instance is the same person and the beneficiary in each instance is the same, the net income of all the trusts shall be consolidated and the tax provided in this section computed on such consolidated income, and such proportion of said tax shall be assessed and collected from each trustee, which the net income of the trust administered by him bears to the consolidated income of the several trusts.

SEC. 57. *Net income.*—The net income of the estate or trust shall be computed in the same manner and on the same basis as in the case of an individual, except that—

(a) There shall be allowed as a deduction in computing the net income of the estate or trust the amount of the income of the estate or trust for its taxable year which is to be distributed currently by the fiduciary to the beneficiaries, and the amount of the income collected by a guardian of an infant which is to be held or distributed as the court may direct, but the amount so allowed as a deduction shall be included in computing the net income of the beneficiaries whether distributed to them or not. Any amount allowed as a deduction under this subsection shall not be allowed as a deduction under subsection (b) of this section in the same or any succeeding taxable year.

(b) In the case of income received by estates of deceased persons during the period of administration or settlement of the estate, and in the case of income which, in the discretion of the fiduciary, may be either distributed to the beneficiary or accumulated, there shall be allowed as an additional deduction in computing the net income of the estate or trust the amount of the income of the estate or trust for its taxable year, which is properly paid or credited during such year to any legatee, heir, or beneficiary, but the amount so allowed as a deduction shall be included in computing the net income of the legatee, heir, or beneficiary.

(c) In the case of a trust administered in a foreign country, the deductions mentioned in subsections (a) and (b) of this section shall not be allowed: *Provided*, That the amount of any income included in the return of said trust

shall not be included in computing the income of the beneficiaries.

SEC. 58. *Exemption allowed to estates and trusts.*—For the purpose of the tax provided for in this Title, there shall be allowed an exemption of one thousand pesos from the income of the estate or trust.

SEC. 59. *Revocable trusts.*—Where at any time the power to revest in the grantor title to any part of the *corpus* of the trust is vested (1) in the grantor, either alone or in conjunction with any person not having a substantial adverse interest in the disposition of such part of the *corpus* or the income therefrom, or (2) in any person not having a substantial adverse interest in the disposition of such part of the *corpus* or the income therefrom, the income of such part of the trust shall be included in computing the net income of the grantor.

SEC. 60. *Income for benefit of grantor.*—(a) Where any part of the income of a trust (1) is, or in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income may be held or accumulated for future distribution to the grantor; or (2) may, in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income, be distributed to the grantor; or (3) is, or in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income may be, applied to the payment of premiums upon policies of insurance on the life of the grantor; such part of the income of the trust shall be included in computing the net income of the grantor.

(b) As used in this section, the term “in the discretion of the grantor” means in the discretion of the grantor, either alone or in conjunction with any person not having a substantial adverse interest in the disposition of the part of the income in question.

SEC. 61. *Fiduciary returns.*—Guardians, trustees, executors, administrators, receivers, conservators, and all persons

or corporations, acting in any fiduciary capacity, shall render, in duplicate, a return of the income of the person, trust, or estate for whom or which they act, and be subject to all the provisions of this Title, which apply to individuals in case such person, estate, or trust has a gross income of one thousand pesos or over during the taxable year. Such fiduciary or person filing the return for him or it, shall take oath that he has sufficient knowledge of the affairs of such person, trust, or estate to enable him to make such return and that the same is, to the best of his knowledge and belief, true and correct, and be subject to all the provisions of this Title which apply to individuals: *Provided*, That a return made by or for one of two or more joint fiduciaries filed in the province where such fiduciary resides, under such regulations as the Secretary of Finance may prescribe, shall be a sufficient compliance with the requirements of this section.

SEC. 62. *Fiduciaries indemnified against claims for taxes paid.*—Trustees, executors, administrators, and other fiduciaries are indemnified against the claims or demands of every beneficiary for all payments of taxes which they shall be required to make under the provisions of this Title, and they shall have credit for the amount of such payments against the beneficiary or principal in any accounting which they make as such trustees or other fiduciaries.

CHAPTER VIII.—*Personal Holding Companies*

SEC. 63. *Tax on personal holding companies.*—There shall be levied, collected, and paid, for each taxable year, upon the undistributed net income of every personal holding company, in addition to the tax imposed by section 24 a tax equal to forty-five *per centum* of the undistributed net income of such personal holding company.

SEC. 64. *Definition of personal holding company.*—(a) *General rule.*—For the purposes of this Title, the term “personal holding company” means any corporation, as defined in section 84 if—

(1) *Gross income requirement.*—At least eighty *per centum* of its gross income for the taxable year is personal holding company income as defined in section 65, but if the

corporation is a personal holding company with respect to any taxable year beginning after December thirty-first, nineteen hundred and thirty-eight, then, for each subsequent taxable year, the minimum percentage shall be seventy *per centum* in lieu of eighty, and it shall continue to be considered as a personal holding company until in a taxable year, during the whole of the last half of which, the stock ownership required by paragraph (2) does not exist, or until the expiration of three consecutive taxable years in each of which less than seventy *per centum* of the gross income is personal holding company income; and

(2) *Stock ownership requirement*.—At any time during the last half of the taxable year more than fifty *per centum* in value of its outstanding stock is owned, directly or indirectly, by or for not more than five individuals.

(b) *Exceptions*.—The term “personal holding company” does not include a corporation, firm or association exempt from taxation under section 27, a bank duly licensed to do business as such in the Philippines, a life insurance company, or a foreign personal holding company as defined in section 67.

SEC. 65. *Personal holding company income*.—For the purposes of this Title the term “personal holding company income” means the portion of the gross income which consists of:

(a) Dividends, interest (other than interest constituting rent as defined in subsection (g) hereof), royalties (other than mineral, oil, or gas royalties), and annuities. The term “royalties”, as herein used, includes income from copyrights, patents, and other similar revenues.

(b) *Stock and securities transactions*.—Except in the case of regular dealers in stock or securities (as defined in subsection (s) of section 84), gains from the sale or exchange of stock or securities.

(c) *Commodities transactions*.—Gains from future transactions in any commodity on or subject to the rules of a board of trade or commodity exchange. This subsection shall not apply to gains by a producer, processor, merchant, or handler of the commodity which arise out of

bona fide hedging transactions reasonably necessary to the conduct of its business in the manner in which such business is customarily and usually conducted by others.

(d) *Estates and trusts*.—Amounts includible in computing the net income of estates and trusts under section 56; and gains from the sale or other disposition of any interest in an estate or trust.

(e) *Personal service contracts*.—(1) Amounts received under a contract under which the corporation is to furnish personal services, if some person other than the corporation has the right to designate (by name or by description) the individual who is to perform the services, or if the individual who is to perform the services is designated (by name or by description) in the contract; and (2) amounts received from the sale or other disposition of such a contract. This subsection shall apply with respect to amounts received for services under a particular contract only if at some time during the taxable year twenty-five *per centum* or more in value of the outstanding stock of the corporation is owned, directly or indirectly, by or for the individual who has performed, is to perform, or may be designated (by name or by description) as the one to perform, such services.

(f) *Use of corporation property by shareholder*.—Amounts received as compensation (however designated and from whomsoever received) for the use of, or right to use, property of the corporation in any case where, at any time during the taxable year, twenty-five *per centum* or more in value of the outstanding stock of the corporation is owned, directly or indirectly, by or for an individual entitled to the use of the property, whether such right is obtained directly from the corporation or by means of a sublease or other arrangement.

(g) *Rents*.—Rents, unless constituting fifty *per centum* or more of the gross income. For the purposes of this subsection, the term “rents” means compensation, however designated, for the use of, or right to use, property, and the interest on debts owed to the corporation, to the extent such debts represent the price for which real property held primarily for sale to customers in the ordinary course

of its trade or business was sold or exchanged by the corporation; but does not include amounts constituting personal holding company income under subsection (f).

(h) *Mineral, oil, or gas royalties.*—Mineral, oil, or gas royalties, unless (1) constituting fifty *per centum* or more of the gross income, and (2) the deductions relating to expenses, other than compensation for personal services rendered by shareholders, constitute fifteen *per centum* or more of the gross income.

SEC. 66. *Stock ownership.*—For the purpose of determining whether a corporation is a personal holding company, insofar as such determination is based on stock ownership, the following rules shall be observed:

(a) *Stock not owned by individual.*—Stock owned, directly or indirectly, by or for a corporation, estate, or trust shall be considered as being owned proportionately by its shareholders, partners, or beneficiaries.

(b) *Family and partnership ownership.*—An individual shall be considered as owning the stock owned, directly or indirectly, by or for his family or by or for his partner. For the purposes of this subsection, the family of an individual includes only his brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

(c) *Options.*—If any person has an option to acquire stock such stock shall be considered as owned by such person. For the purposes of this subsection, an option to acquire such an option, and each one of a series of such options, shall be considered as an option to acquire such stock.

SEC. 67. *Definition of foreign personal holding company.*—(a) *General rule.*—For the purposes of this Title, the term “foreign personal holding company” means any foreign corporation if—

(1) *Gross income requirement.*—At least sixty *per centum* of its gross income from all sources for the taxable year is foreign personal holding company income in accordance with section 68; but if the corporation is a

foreign personal holding company with respect to any taxable year ending after December thirty-first, nineteen hundred and thirty-eight, then, for each subsequent taxable year, the minimum percentage shall be fifty *per centum* in lieu of sixty *per centum*, and it shall continue to be considered as a foreign personal holding company until in a taxable year, during the whole of which the stock ownership required by paragraph (2) does not exist, or until the expiration of three consecutive taxable years in each of which less than fifty *per centum* of the gross income is foreign personal holding company income; and

(2) *Stock ownership requirement*.—At any time during the taxable year more than fifty *per centum* in value of its outstanding stock is owned, directly or indirectly, by or for not more than five individuals who are citizens or residents of the Philippines.

(b) *Exception*.—The term “foreign personal holding company” does not include a corporation exempt from taxation under section 27.

SEC. 68. *Gross income and stock ownership requirements of foreign personal holding companies*.—In determining the percentage of the gross income of a foreign personal holding company that should be classed as foreign personal holding company income, as well as the stock ownership requirement of such company, the same rules prescribed in sections 65 and 66 with regard to domestic personal holding companies shall apply.

SEC. 69. *Corporation income taxed to Philippine shareholders*.—(a) *General rule*.—The undistributed net income of a foreign personal holding company shall be included in the gross income of the citizens or residents of the Philippines, domestic corporations, and estates or trusts, who are shareholders in such foreign personal holding company.

(b) *Amount included in gross income*.—Each Philippine shareholder, who was a shareholder on the day in the taxable year of the company which was the last day on which the stockholders satisfying the stock ownership requirement defined under paragraph (2) of subsection (a) of section 67 existed with respect to the company, shall include in his gross income, as a dividend, for the taxable

year in which or with which the taxable year of the company ends, the amount he would have received as a dividend if on such last day there had been distributed by the company, and received by the shareholders, an amount which bears the same ratio to the undistributed net income of the company for the taxable year as the portion of such taxable year up to and including such last day bears to the entire taxable year.

SEC. 70. *Information returns by officers and directors.*—

(a) *Monthly returns.*—On the fifteenth day of each month which begins after the date of the enactment of this Code, each individual who on such day is an officer or a director of a foreign personal holding company, shall file with the Collector of Internal Revenue a return setting forth with respect to the preceding calendar month the name and address of each shareholder, the class and number of shares held by each, together with any changes in stockholdings during such period, the name and address of any holder of securities convertible into stock of such corporation, and such other information with respect to the stock and securities of the corporation as the Secretary of Finance shall, by regulations, prescribe as necessary for carrying out the provisions of this Code. The Secretary of Finance may, by regulations, prescribe, as the period with respect to which returns shall be filed, a longer period than a month. In such case the return shall be due on the fifteenth day of the succeeding period, and shall be filed by the individuals who on such day are officers and directors of the corporation.

(b) *Annual returns.*—On the sixtieth day after the close of the taxable year of a foreign personal holding company, each individual who on such sixtieth day is an officer or director of the corporation shall file with the Collector of Internal Revenue a return setting forth—

(1) In complete detail the gross income, deductions and credits, net income, and undistributed net income of such foreign personal holding company for such taxable year; and

(2) The same information with respect to such taxable year as is required in subsection (a) hereof; except that if

all the required returns with respect to such year have been filed under said subsection (a), no information under this paragraph need be set forth in the return filed under this subsection.

SEC. 71. *Information returns by shareholders.*—(a) *Monthly returns.*—On the fifteenth day of each month which begins after the date of the enactment of this Code, each Philippine shareholder, by or for whom fifty *per centum* or more in value of the outstanding stock of a foreign corporation is owned, directly or indirectly (including in the case of an individual, stock owned by the members of his family as defined in this Code), if such foreign corporation with respect to its taxable year preceding the taxable year in which such month occurs was a foreign personal holding company, shall file with the Collector of Internal Revenue a return setting forth with respect to the preceding calendar month the name and address of each shareholder, the class and number of shares held by each, together with any changes in stockholdings during such period, the name and address of any holder of securities convertible into stock of such corporation, and such other information with respect to the stock and securities of the corporation as the Secretary of Finance shall, by regulations, prescribe as necessary for carrying out the provisions of this Code. The Secretary of Finance may, by regulations, prescribe, as the period with respect to which returns shall be filed, a longer period than a month. In such case the return shall be due on the fifteenth day of the succeeding period, and shall be filed by the persons who on such day are Philippine shareholders.

(b) *Annual returns.*—On the sixtieth day after the close of the taxable year of a foreign personal holding company, each Philippine shareholder by or for whom on such sixtieth day fifty *per centum* or more in value of the outstanding stock of such company is owned, directly or indirectly, (including in the case of an individual, stock owned by members of his family as defined in this Code), shall file with the Collector of Internal Revenue a return setting forth the same information with respect to such taxable year as is

required in subsection (a) hereof; except that if all the required returns with respect to such year have been filed under said subsection (a), no return shall be required under this subsection.

CHAPTER IX.—*Administrative Provisions*

SEC. 72. *Surcharges for failure to render returns and for rendering false and fraudulent returns.*—The Collector of Internal Revenue shall assess all income taxes. In case of willful neglect to file the return or list within the time prescribed by law, or in case a false or fraudulent return or list is willfully made, the Collector of Internal Revenue shall add to the tax or to the deficiency tax, in case any payment has been made on the basis of such return before the discovery of the falsity or fraud, a surcharge of fifty *per centum* of the amount of such tax or deficiency tax. In case of any failure to make and file a return or list within the time prescribed by law or by the Collector or other internal-revenue officer, not due to willful neglect, the Collector of Internal Revenue shall add to the tax twenty-five *per centum* of its amount, except that, when a return is voluntarily and without notice from the Collector or other officer filed after such time, and it is shown that the failure to file it was due to a reasonable cause, no such addition shall be made to the tax. The amount so added to any tax shall be collected at the same time and in the same manner and as part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

SEC. 73. *Penalty for failure to file return or to pay tax.*—Any one liable to pay the tax, to make a return or to supply information required under this code, who refuses or neglects to pay such tax, to make such return or to supply such information at the time or times herein specified in each year, shall be punished by a fine of not more than two thousand pesos or by imprisonment for not more than six months, or both.

Any individual or any officer of any corporation, or general copartnership (*compañía colectiva*), required by law to make, render, sign, or verify any return or to supply any information, who makes any false or fraudulent return or statement with intent to defeat or evade the assessment required by this code to be made, shall be punished by a fine of not exceeding four thousand pesos or by imprisonment for not exceeding one year, or both.

SEC. 74. *Penalty imposed on corporations which refuse or neglect to make a return.*—If any corporation or duly registered general copartnership shall refuse or neglect to make a return at the time or times hereinbefore specified in each year, or shall render a false or fraudulent return, such corporation or partnership shall be liable to a fine of not exceeding twenty thousand pesos.

SEC. 75. *Return of information by corporations; penalty for failure to keep records of stockholders or dividends paid.*—Every corporation subject to the tax herein imposed, or otherwise engaged in business or trade within the Philippines, when required by the Collector of Internal Revenue, shall render a correct return, duly verified under oath, of its payments of profits or dividends, whether made in cash or its equivalent or in stock, including the names and addresses of members or stockholders, the paid-up capital or the number of shares owned by each, and the tax years and gains or earnings from which such dividends or profits were derived, in such form as may be prescribed by the Collector of Internal Revenue with the approval of the Secretary of Finance.

Any such corporation which fails to keep records of the names and addresses of its members or stockholders, or the correct amount of profits or dividends paid or credited to each of them, or which fails to furnish the information referred to in this section together with certified copies of its balance sheet, profit and loss statements, and such other financial statements which may be required by the Collector of Internal Revenue, shall pay to the Government

an amount equal to ten *per centum* of the dividends or profits distributed, or, in the absence of information as to the amount of profits or dividends distributed, the additional amount herein required to be paid shall be computed on the net profits or income reported in the income tax returns or shown in the books of such corporation, firm, or association. However, resident foreign corporations, fifty-one *per centum* or more of whose income is derived from sources outside of the Philippines, shall not be liable to the payment of the amount prescribed in this section.

SEC. 76. *Collection of foreign items.*—All persons, corporations, or duly registered general copartnerships (*compañías colectivas*) undertaking for profit or otherwise the collection of foreign payments of interest or dividends by means of coupons, checks, or bills of exchange shall obtain license from the Collector of Internal Revenue, and shall be subject to such regulations enabling the Government to obtain the information required under this Title, as the Secretary of Finance shall prescribe; and whoever knowingly undertakes to collect such payments as aforesaid without having obtained a license therefor, or without complying with such regulations, shall, for each offense, be fined in a sum not exceeding ten thousand pesos or imprisoned for a term not exceeding one year, or both.

SEC. 77. *Information at source as to payments of one thousand pesos or more.*—All persons, corporations, or duly registered general copartnerships (*compañías colectivas*), in whatever capacity acting, including lessees or mortgagors of real or personal property, trustees acting in any trust capacity, executors, administrators, receivers, conservators, and employers, making payment to another person, corporation, or duly registered general copartnership (*compañía colectiva*), of interests, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable gains, profits, and income, other than payments described in sections 75 and 79, of one thousand pesos or more in any taxable year, or, in the case of such payments made by the Government of the Philippines, the officers or employees of the

Government having information as to such payments and required to make returns in regard thereto, are authorized and required to render a true and accurate return to the Collector of Internal Revenue, under such rules and regulations and in such form and manner as may be prescribed by the Secretary of Finance, setting forth the amount of such gains, profits, and income, and the name and address of the recipient of such payment: *Provided*, That such returns shall be required, regardless of amounts, in the case of payments of interest upon bonds and mortgages or deeds of trust or other similar obligations of corporations, and in the case of collections of items, not payable in the Philippines, of interest upon the bonds of foreign countries and interest from the bonds and dividends from the stock of foreign corporations by persons, corporations, or duly registered general copartnerships (*compañías colectivas*), undertaking as a matter of business or for profit or otherwise the collection of foreign payments of such interest or dividends by means of coupons or bills of exchange.

SEC. 78. *Return of corporation contemplating dissolution.*—Every corporation shall, within thirty days after the adoption by the corporation of a resolution or plan for the dissolution of the corporation or for the liquidation of the whole or any part of its capital stock, render a correct return to the Collector of Internal Revenue, verified under oath, setting forth the terms of such resolution or plan and such other information as the Secretary of Finance shall, by regulations, prescribe.

SEC. 79. *Return of information of brokers.*—Every person, corporation, or duly registered general copartnership (*compañía colectiva*), doing business as a broker in any exchange or board of trade or other similar place of business shall, when required by the Collector of Internal Revenue, render a correct return duly verified under oath, under such regulations as the Secretary of Finance may prescribe, showing the names of customers for whom such person, corporation, or duly registered general copartnership (*compañía colectiva*), has transacted any business, with such

details as to the profits, losses, or other information which the Collector may require as to each of such customers as will enable the Collector of Internal Revenue to determine whether all income tax due on profits or gains of such customers has been paid.

SEC. 80. *Returns as to formation, etc., of foreign corporations.*—(a) *Requirement.*—Under regulations prescribed by the Secretary of Finance, any attorney, accountant, fiduciary, bank, trust company, financial institution, or other person, who, after the date of the enactment of this Code, aids, assists, counsels, or advises in, or with respect to, the formation, organization or reorganization of any foreign corporation, shall, within thirty days thereafter, file with the Collector of Internal Revenue a return.

(b) *Form and contents of return.*—Such return shall be in such form and shall set forth, under oath, in respect of each such corporation, to the full extent of the information within the possession or knowledge or under the control of the person required to file the return, such information as the Secretary of Finance shall prescribe by regulations as necessary for carrying out the provisions of this Title. Nothing in this section shall be construed to require the divulging of privileged communications between attorney and client.

SEC. 81. *Disposition of income tax returns; publication of lists of persons filing returns and paying taxes.*—After the assessment shall have been made, as provided in this Title, the returns, together with any corrections thereof which may have been made by the Collector, shall be filed in the Office of the Collector of Internal Revenue and shall constitute public records and be open to inspection as such upon the order of the President of the Philippines under rules and regulations to be prescribed by the Secretary of Finance.

Subject to the approval of the Secretary of Finance, the Collector of Internal Revenue may in each year cause to be prepared and published in any newspaper or made available to public inspection in such manner as he may determine, lists containing the names and addresses of per-

sons who have filed income tax returns and/or paid income taxes.

SEC. 82. *Suit to recover tax based on false or fraudulent returns.*—When an assessment is made in case of any list, statement, or return, which in the opinion of the Collector of Internal Revenue was false or fraudulent, or contained any understatement or undervaluation, no tax collected under such assessment shall be recovered by any suits unless it is proved that the said list, statement, or return was not false nor fraudulent and did not contain any understatement or undervaluation; but this provision shall not apply to statements or returns made or to be made in good faith regarding annual depreciation of oil or gas wells and mines.

SEC. 83. *Distribution of dividends or assets by corporations.*—(a) *Definition of dividends.*—The term “dividends” when used in this Title means any distribution made by a corporation to its shareholders out of its earnings or profits accrued since March first, nineteen hundred and thirteen, and payable to its shareholders, whether in money or in other property.

Where a corporation distributes all of its assets in complete liquidation or dissolution, the gain realized or loss sustained by the stockholder, whether individual or corporate, is a taxable income or a deductible loss, as the case may be.

(b) *Stock dividend.*—A stock dividend representing the transfer of surplus to capital account shall not be subject to tax. However, if a corporation cancels or redeems stock issued as a dividend at such time and in such manner as to make the distribution and cancellation or redemption, in whole or in part, essentially equivalent to the distribution of a taxable dividend, the amount so distributed in redemption or cancellation of the stock shall be considered as taxable income to the extent that it represents a distribution of earnings or profits accumulated after March first, nineteen hundred and thirteen.

(c) *Dividends distributed are deemed made from most recently accumulated profits.*—Any distribution made to the shareholders or members of a corporation in the year nine-

teen hundred and thirty-nine or subsequent tax years, shall be deemed to have been made from the most recently accumulated profits or surplus, and shall constitute a part of the annual income of the distributee for the year in which received: *Provided*, That nothing herein shall be construed as taxing any earnings or profits accrued prior to March first, nineteen hundred and thirteen, but such earnings or profits may be distributed in stock dividends or otherwise, exempt from the tax, after the distribution of earnings and profits accrued since March first, nineteen hundred and thirteen, has been made.

CHAPTER X.—Definitions

SEC. 84. *Definitions*.—When used in this Title—

(a) The term “person” means an individual, a trust, estate, corporation, or a duly registered general copartnership.

(b) The term “corporation” includes partnerships, no matter how created or organized, joint-stock companies, joint accounts (*cuentas en participación*), associations or insurance companies, but does not include duly registered general copartnerships (*compañías colectivas*).

(c) The term “domestic,” when applied to a corporation, means created or organized in the Philippines or under its laws.

(d) The term “foreign,” when applied to a corporation, means a corporation which is not domestic.

(e) The term “resident alien” means an individual whose residence is within the Philippines and who is not a citizen thereof.

(f) The term “nonresident alien” means an individual whose residence is not within the Philippines and who is not a citizen thereof.

(g) The term “resident foreign corporation” applies to a foreign corporation engaged in trade or business within the Philippines or having an office or place of business therein.

(h) The term “nonresident foreign corporation” applies to a foreign corporation not engaged in trade or business

within the Philippines and not having any office or place of business therein.

(i) The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

(j) The term "withholding agent" means any person required to deduct and withhold any tax under the provisions of section 53.

(k) The term "stock" includes the share in an association, joint-stock company, or insurance company.

(l) The term "shareholder" includes a member in an association, joint-stock company, or insurance company.

(m) The term "taxpayer" means any person subject to tax imposed by this Title.

(n) The terms "including" and "includes" when used in a definition contained in this Title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

(o) The term "taxable year" means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the net income is computed under this Title. "Taxable year" includes, in the case of a return made for a fractional part of a year under the provisions of this Title or under regulations prescribed by the Secretary of Finance, the period for which such return is made.

(p) The term "fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.

(q) The terms "paid or incurred" and "paid or accrued" shall be construed according to the method of accounting upon the basis of which the net income is computed under this Title.

(r) The term "trade or business" includes the performance of the functions of a public office.

(s) The term "securities" means shares of stock in a corporation and rights to subscribe for or to receive such shares. The term includes bonds, debentures, notes, or certificates, or other evidences of indebtedness, issued by any corporation, including those issued by a government

or political subdivision thereof, with interest coupons or in registered form.

(t) The term "dealer in securities" means a merchant of stocks or securities, whether an individual, partnership, or corporation, with an established place of business, regularly engaged in the purchase of securities and their resale to customers; that is, one who as a merchant buys securities and sells them to customers with a view to the gains and profits that may be derived therefrom.

(u) The terms "alien" and "foreign government" shall be deemed to include the citizens and Government of the United States, including the political subdivisions thereof; *Provided, however,* That citizens of the United States residing in the Philippines shall not be subject to taxation under this Title as to their incomes derived from sources within the United States, if it is shown that the tax thereon has been paid in accordance with the laws of that country.

TITLE III.—ESTATE, INHERITANCE AND GIFT TAXES

CHAPTER I.—*Estate and Inheritance Taxes*

SEC. 85. *Rates of estate tax.*—There shall be levied, assessed, collected, and paid upon the transfer of the net estate of every decedent, whether a resident or nonresident of the Philippines, a tax equal to the sum of the following percentages of the value of the net estate determined as provided in sections 88 and 89:

One *per centum* of the amount by which the net estate exceeds three thousand pesos and does not exceed ten thousand pesos;

One and one-half *per centum* of the amount by which the net estate exceeds ten thousand pesos and does not exceed thirty thousand pesos;

Two *per centum* of the amount by which the net estate exceeds thirty thousand pesos and does not exceed fifty thousand pesos;

Two and one-half *per centum* of the amount by which the net estate exceeds fifty thousand pesos and does not exceed eighty thousand pesos;

Three *per centum* of the amount by which the net estate exceeds eighty thousand pesos and does not exceed one hundred and ten thousand pesos;

Three and one-half *per centum* of the amount by which the net estate exceeds one hundred and ten thousand pesos and does not exceed one hundred and fifty thousand pesos;

Four *per centum* of the amount by which the net estate exceeds one hundred and fifty thousand pesos and does not exceed one hundred and ninety thousand pesos;

Four and one-half *per centum* of the amount by which the net estate exceeds one hundred and ninety thousand pesos and does not exceed two hundred and forty thousand pesos;

Five *per centum* of the amount by which the net estate exceeds two hundred and forty thousand pesos and does not exceed two hundred and ninety thousand pesos;

Five and one-half *per centum* of the amount by which the net estate exceeds two hundred and ninety thousand pesos and does not exceed three hundred and fifty thousand pesos;

Six *per centum* of the amount by which the net estate exceeds three hundred and fifty thousand pesos and does not exceed four hundred and twenty thousand pesos;

Six and one-half *per centum* of the amount by which the net estate exceeds four hundred and twenty thousand pesos and does not exceed five hundred thousand pesos;

Seven *per centum* of the amount by which the net estate exceeds five hundred thousand pesos and does not exceed six hundred thousand pesos;

Seven and one-half *per centum* of the amount by which the net estate exceeds six hundred thousand pesos and does not exceed seven hundred and twenty thousand pesos;

Eight *per centum* of the amount by which the net estate exceeds seven hundred and twenty thousand pesos and does not exceed eight hundred and fifty thousand pesos;

Eight and one-half *per centum* of the amount by which the net estate exceeds eight hundred and fifty thousand pesos and does not exceed one million pesos;

Nine *per centum* of the amount by which the net estate exceeds one million pesos and does not exceed one million two hundred thousand pesos;

Nine and one-half *per centum* of the amount by which the net estate exceeds one million two hundred thousand pesos

and does not exceed one million five hundred thousand pesos; and

Ten *per centum* of the amount by which the net estate exceeds one million five hundred thousand pesos.

The corresponding estate tax pertaining to and payable by every child or grandchild shall be reduced by five *per centum* of the said tax.

SEC. 86. *Rates of inheritance tax.*—In addition to the estate tax imposed by section 85, there shall be levied, assessed, collected and paid an inheritance tax equal to the sum of the following percentages of the value of the individual share of each heir or beneficiary in the net estate, after deducting the amount of the estate tax, of every decedent, whether a resident or nonresident of the Philippines:

(a) When the surviving spouse, a legitimate, recognized natural, or adopted child, or legitimate descendant, or ascendant, or either of the adopting parents is the beneficiary, or the father or mother who had recognized him as a natural child, and in every case where the beneficiary receives the property exclusively for educational or charitable purposes, there shall be collected upon the share which corresponds to each beneficiary in the inventoried property a tax according to the following schedule:

One *per centum* of the amount of the share not in excess of ten thousand pesos;

Two *per centum* of the amount by which the share exceeds ten thousand pesos and does not exceed thirty thousand pesos;

Three *per centum* of the amount by which the share exceeds thirty thousand pesos and does not exceed fifty thousand pesos;

Four *per centum* of the amount by which the share exceeds fifty thousand pesos and does not exceed eighty thousand pesos;

Five *per centum* of the amount by which the share exceeds eighty thousand pesos and does not exceed one hundred and ten thousand pesos;

Six *per centum* of the amount by which the share exceeds one hundred and ten thousand pesos and does not exceed one hundred and fifty thousand pesos;

Seven *per centum* of the amount by which the share exceeds one hundred and fifty thousand pesos and does not exceed one hundred and ninety thousand pesos;

Eight *per centum* of the amount by which the share exceeds one hundred and ninety thousand pesos and does not exceed two hundred and forty thousand pesos;

Nine *per centum* of the amount by which the share exceeds two hundred and forty thousand pesos and does not exceed two hundred and ninety thousand pesos;

Ten *per centum* of the amount by which the share exceeds two hundred and ninety thousand pesos and does not exceed three hundred and fifty thousand pesos;

Eleven *per centum* of the amount by which the share exceeds three hundred and fifty thousand pesos and does not exceed four hundred and twenty thousand pesos;

Twelve *per centum* of the amount by which the share exceeds four hundred and twenty thousand pesos and does not exceed five hundred thousand pesos;

Thirteen *per centum* of the amount by which the share exceeds five hundred thousand pesos and does not exceed six hundred thousand pesos;

Fourteen *per centum* of the amount by which the share exceeds six hundred thousand pesos and does not exceed seven hundred and twenty thousand pesos;

Fifteen *per centum* of the amount by which the share exceeds seven hundred and twenty thousand pesos and does not exceed eight hundred and fifty thousand pesos;

Sixteen *per centum* of the amount by which the share exceeds eight hundred and fifty thousand pesos and does not exceed one million pesos; and

Seventeen *per centum* of the amount by which the share exceeds one million pesos.

Where the property is received for educational or charitable purposes, it shall be the duty of the person or persons in charge thereof to submit from time to time a report of the administration and use of the property to the Collector

of Internal Revenue and within twenty days after demand therefor has been made by the said Collector.

(b) When a brother or sister, who is a legitimate or acknowledged natural child of a common father or mother, or both, or the children of such brother or sister, or any descendant mentioned as such in the will and not included in the subsection (a) hereof is the beneficiary, there shall be collected the same tax fixed in said subsection with an increase of one hundred *per centum*.

(c) When other relatives within the sixth degree not included in the two next preceding subsections are beneficiaries, there shall be collected the same tax fixed in subsection (a) with an increase of two hundred *per centum*.

(d) When a relative by affinity within the same degree as those mentioned in subsections (a) and (b), with the exception of the surviving spouse, is the beneficiary, there shall be collected the same tax fixed in subsection (a) with an increase of three hundred *per centum*.

(e) When strangers are beneficiaries there shall be collected upon the share which corresponds to each beneficiary in the inventoried property a tax according to the following schedule:

Ten *per centum* of the amount of the share not in excess of ten thousand pesos;

Twenty *per centum* of the amount by which the share exceeds ten thousand pesos and does not exceed thirty thousand pesos;

Thirty *per centum* of the amount by which the share exceeds thirty thousand pesos and does not exceed fifty thousand pesos;

Thirty-five *per centum* of the amount by which the share exceeds fifty thousand pesos and does not exceed eighty thousand pesos;

Forty *per centum* of the amount by which the share exceeds eighty thousand pesos and does not exceed one hundred and ten thousand pesos;

Forty-five *per centum* of the amount by which the share exceeds one hundred and ten thousand pesos and does not exceed one hundred and fifty thousand pesos;

Fifty *per centum* of the amount by which the share exceeds one hundred and fifty thousand pesos and does not exceed one hundred and ninety thousand pesos;

Fifty-five *per centum* of the amount by which the share exceeds one hundred and ninety thousand pesos and does not exceed two hundred and forty thousand pesos;

Sixty *per centum* of the amount by which the share exceeds two hundred and forty thousand pesos and does not exceed two hundred and ninety thousand pesos;

Sixty-five *per centum* of the amount by which the share exceeds two hundred and ninety thousand pesos and does not exceed three hundred and fifty thousand pesos;

Sixty-eight *per centum* of the amount by which the share exceeds three hundred and fifty thousand pesos and does not exceed four hundred and twenty thousand pesos;

Seventy *per centum* of the amount by which the share exceeds four hundred and twenty thousand pesos and does not exceed five hundred thousand pesos;

Seventy-one *per centum* of the amount by which the share exceeds five hundred thousand pesos and does not exceed six hundred thousand pesos;

Seventy-two *per centum* of the amount by which the share exceeds six hundred thousand pesos and does not exceed seven hundred and twenty thousand pesos;

Seventy-three *per centum* of the amount by which the share exceeds seven hundred and twenty thousand pesos and does not exceed eight hundred and fifty thousand pesos;

Seventy-four *per centum* of the amount by which the share exceeds eight hundred and fifty thousand pesos and does not exceed one million pesos; and

Seventy-five *per centum* of the amount by which the share exceeds one million pesos.

For the purposes of this tax, strangers are deemed those relatives by consanguinity of the seventh or more remote degree in the collateral line, and all relatives by affinity with the exception of the spouse and those mentioned in subsection (d) of this section: *Provided, however,* That where the beneficiary is a domestic servant, or a trusted employee, there shall be collected on the first two thousand pesos and five thousand pesos, respectively, the tax fixed

in subsection (a) of this section, and on the excess, the tax prescribed in this subsection. In cases of property which by the will of the testator should be divided among the poor, without the designation of any particular persons, or which should be disposed of for masses or other pious works, there shall be collected the tax at the rate fixed in this subsection upon the total amount of said property.

In case the property is transmitted to the heirs subject to the usufructuary interest, use, or habitation, or annuity of a third person, the tax shall be based on the value of the inventoried property less that of the usufruct, use or habitation, or annuity determined as hereinafter provided.

SEC. 87. *Rule of taxation when beneficiaries belong to different classes.*—When diverse persons not included in the same class or group prescribed in section 86 are beneficiaries, each share shall be subject to the scale of taxation which corresponds to the person taking.

SEC. 88. *Gross estate.*—The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated, except real property situated outside the Philippines—

(a) *Decedent's interest.*—To the extent of the interest therein of the decedent at the time of his death;

(b) *Transfers in contemplation of death.*—To the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, in contemplation of or intended to take effect in possession or enjoyment at or after his death, or of which he has at any time made a transfer, by trust or otherwise, under which he has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death (1) the possession or enjoyment of, or the right to the income from the property, or (2) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom; except in case of a *bona fide* sale for an adequate and full consideration in money or money's worth. Any transfer of a material part of his property in the nature of a final disposition or dis-

tribution thereof, made by the decedent within three years prior to his death without such consideration, shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this Chapter.

(c) *Revocable transfers*.—(1) To the extent of any interest therein of which the decedent has at any time made a transfer (except in case of *bona fide* sale for an adequate and full consideration in money or money's worth), by trust or otherwise, where the enjoyment thereof was subject at the date of his death to any change through the exercise of a power (in whatever capacity exercisable) by the decedent alone or by the decedent in conjunction with any other person (without regard to when or from what source the decedent acquired such power), to alter, amend, revoke, or terminate, or where any such power is relinquished in contemplation of the decedent's death.

(2) For the purposes of this subsection the power to alter, amend, or revoke shall be considered to exist on the date of the decedent's death even though the exercise of the power is subject to a precedent giving of notice or even though the alteration, amendment, or revocation takes effect only on the expiration of a stated period after the exercise of the power, whether or not on or before the date of the decedent's death notice has been given or the power has been exercised. In such cases proper adjustment shall be made representing the interests which would have been excluded from the power if the decedent had lived, and for such purpose if the notice has not been given or the power has not been exercised on or before the date of his death, such notice shall be considered to have been given, or the power exercised, on the date of his death.

(3) The relinquishment of any such power, not admitted or shown to have been in contemplation of the decedent's death, made within three years prior to his death without such a consideration and affecting the interest or interests (whether arising from one or more transfers or the creation of one or more trusts) of any one beneficiary mentioned in subsection (a) of section 86, of a value or aggregate value, at the time of such death, in excess of two thousand pesos, then, to the extent of such excess, such

relinquishment or relinquishments shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this Chapter.

(d) *Property passing under general power of appointment.*—To the extent of any property passing under a general power of appointment exercised by the decedent (1) by will, or (2) by deed executed in contemplation of or intended to take effect in possession or enjoyment at or after his death, or (3) by deed under which he has retained for his life or any period not ascertainable without reference to his death or for any period which does not in fact end before his death (a) the possession or enjoyment of, or the right to the income from, the property, or (b) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom; except in case of a *bona fide* sale for an adequate and full consideration in money or money's worth.

(e) *Proceeds of life insurance.*—To the extent of the amount receivable by the estate of the deceased, his executor, or administrator as insurance under policies taken out by the decedent upon his own life, irrespective of whether or not the insured retained the power of revocation, or to the extent of the amount receivable by any beneficiary designated in the policy of insurance where the insured reserved to himself the power to change or revoke the name of the beneficiary during his lifetime, whether or not he has, during his lifetime, exercised such power of revocation.

(f) *Prior interests.*—Except as otherwise specifically provided therein, subsections (b), (c), and (e) of this section shall apply to the transfers, trusts, estates, interests, rights, powers, and relinquishment of powers, as severally enumerated and described therein, whether made, created, arising, existing, exercised, or relinquished before or after the enactment of this Code.

(g) *Transfers for insufficient consideration.*—If any one of the transfers, trusts, interests, rights, or powers, enumerated and described in subsections (b), (c) and (d) of this section is made, created, exercised, or relinquished for a consideration in money or money's worth, but is not a

bona fide sale for an adequate and full consideration in money or money's worth, there shall be included in the gross estate only the excess of the fair market value, at the time of death, of the property otherwise to be included on account of such transaction, over the value of the consideration received therefor by the decedent.

(h) *Capital of the surviving spouse.*—The capital of the surviving spouse of a decedent shall not, for the purpose of this Chapter, be deemed a part of his or her gross estate.

SEC. 89. *Net estate.*—For the purpose of the taxes imposed in this Chapter the value of the net estate shall be determined:

(a) In the case of a citizen or resident of the Philippines, by deducting from the value of the gross estate—

(1) *Expenses, losses, indebtedness, and taxes.*—Such amounts—

(A) For funeral expenses which shall, in no case, exceed five *per centum* of the gross estate;

(B) For judicial expenses of the testamentary or intestate proceedings;

(C) For claims against the estate;

(D) For claims of the deceased against insolvent persons where the value of decedent's interest therein is included in the value of the gross estate; and

(E) For unpaid mortgages upon, or any indebtedness in respect to, property where the value of decedent's interest therein, undiminished by such mortgage or indebtedness, is included in the value of the gross estate, but not including any income taxes upon income received after the death of the decedent, or property taxes not accrued before his death, or any estate or inheritance taxes. The deduction herein allowed in the case of claims against the estate, unpaid mortgages, or any indebtedness shall, when founded upon a promise or agreement, be limited to the extent that they were contracted *bona fide* and for an adequate and full consideration in money or money's worth. There shall also be deducted losses incurred during the settlement of the estate arising from fires, storms, shipwreck, or other casual-

ties, or from robbery, theft, or embezzlement, when such losses are not compensated for by insurance or otherwise, and if at the time of the filing of the return such losses have not been claimed as a deduction for income tax purposes in an income tax return.

(2) *Property previously taxed*.—An amount equal to the value specified below of any property forming a part of the gross estate situated in the Philippines of any person who died within five years prior to the death of the decedent, or transferred to the decedent by gift within five years prior to his death, where such property can be identified as having been received by the decedent from the donor by gift, or from such prior decedent by gift, bequest, devise, or inheritance, or which can be identified as having been acquired in exchange for property so received:

One hundred *per centum* of the value if the prior decedent died within one year prior to the death of the decedent, or if the property was transferred to him by gift within the same period prior to his death;

Eighty *per centum* of the value if the prior decedent died more than one year but not more than two years prior to the death of the decedent, or if the property was transferred to him by gift within the same period prior to his death;

Sixty *per centum* of the value if the prior decedent died more than two years but not more than three years prior to the death of the decedent, or if the property was transferred to him by gift within the same period prior to his death;

Forty *per centum* of the value if the prior decedent died more than three years but not more than four years prior to the death of the decedent, or if the property was transferred to him by gift within the same period prior to his death; and

Twenty *per centum* of the value if the prior decedent died more than four years but not more than five years prior to the death of the decedent, or if the property was transferred to him by gift within the same period prior to his death.

These deductions shall be allowed only where a gift tax, or estate and inheritance taxes imposed under this Title were finally determined and paid by or on behalf of such donor, or the estate of such prior decedent, as the case may be, and only in the amount finally determined as the value of such property in determining the value of the gift, or the gross estate of such prior decedent, and only to the extent that the value of such property is included in the decedent's gross estate, and only if in determining the value of the net estate of the prior decedent no deduction was allowable under paragraph (2) in respect of the property or property given in exchange therefor. Where a deduction was allowed of any mortgage or other lien in determining the gift tax, or the estate and inheritance taxes of the prior decedent, which were paid in whole or in part prior to the decedent's death, then the deduction allowable under said paragraph shall be reduced by the amounts so paid. Such deduction allowable shall be reduced by an amount which bears the same ratio to the amounts allowed as deductions under paragraphs (1), (3), and (4) of this subsection as the amount otherwise deductible under said paragraph (2) bears to the value of the decedent's gross estate. Where the property referred to consists of two or more items the aggregate value of such items shall be used for the purpose of computing the deduction.

(3) *Transfers for public purposes.*—The amount of all bequests, legacies, devises, or transfers, to or for the use of the Government of the Philippines, or any political subdivision thereof, for exclusively public purposes. If the taxes imposed by sections 85 and 86 of this Chapter, or any estate, succession, legacy or inheritance taxes are, either by the terms of the will, by the law of the jurisdiction under which the estate is administered, or by the law of the jurisdiction imposing the particular tax, payable in whole or in part out of the bequests, legacies, or devises otherwise deductible under this paragraph, then the amount deductible shall be the amount of such bequests, legacies, or devises, reduced by the amount of such taxes.

The amount of the deduction under this paragraph for any transfer shall not exceed the value of the transferred property required to be included in the gross estate.

(4) *Transfers to the surviving spouse and children.*—The amount of all bequests, legacies, devises, or transfers to the surviving spouse and the legitimate or recognized natural or adopted children not exceeding three thousand pesos each.

(b) *Deductions allowed to nonresident estates.*—In the case of a nonresident not a citizen of the Philippines, by deducting from the value of that part of his gross estate which at the time of his death is situated in the Philippines—

(1) *Expenses, losses, indebtedness, and taxes.*—That proportion of the deductions specified in paragraph (1) of subsection (a) of this section which the value of such part bears to the value of his entire gross estate wherever situated;

(2) *Property previously taxed.*—An amount equal to the value specified below of any property forming a part of the gross estate situated in the Philippines of any person who died within five years prior to the death of the decedent, or transferred to the decedent by gift within five years prior to his death, where such property can be identified as having been received by the decedent from the donor by gift, or from such prior decedent by gift, bequest, devise, or inheritance, or which can be identified as having been acquired in exchange for property so received:

One hundred *per centum* of the value if the prior decedent died within one year prior to the death of the decedent, or if the property was transferred to him by gift within the same period prior to his death;

Eighty *per centum* of the value if the prior decedent died more than one year but not more than two years prior to the death of the decedent, or if the property was transferred to him by gift within the same period prior to his death;

Sixty *per centum* of the value if the prior decedent died more than two years but not more than three years prior to the death of the decedent, or if the property was transferred to him by gift within the same period prior to his death;

Forty *per centum* of the value if the prior decedent died more than three years but not more than four years prior to the death of the decedent, or if the property was transferred to him by gift within the same period prior to his death; and

Twenty *per centum* of the value if the prior decedent died more than four years but not more than five years prior to the death of the decedent, or if the property was transferred to him by gift within the same period prior to his death.

These deductions shall be allowed only where a gift tax, or estate and inheritance taxes imposed under this Title were finally determined and paid by or on behalf of such donor, or the estate of such prior decedent, as the case may be, and only in the amount finally determined as the value of such property in determining the value of the gift, or the gross estate of such prior decedent, and only to the extent that the value of such property is included in that part of the decedent's gross estate which at the time of his death is situated in the Philippines, and only if in determining the value of the net estate of the prior decedent no deduction was allowable under paragraph (2) of subsection (b) of this section in respect of the property or properties given in exchange therefor. Where a deduction was allowed of any mortgage or other lien in determining the gift tax, or the estate and inheritance taxes of the prior decedent, which were paid in whole or in part prior to the decedent's death, then the deduction allowable under said paragraph shall be reduced by the amounts so paid. Such deduction allowable shall be reduced by an amount which bears the same ratio to the amounts allowed as deductions under paragraphs (1) and (3) of this subsection as the amount otherwise deductible under paragraph (2) bears to the value of that part of the decedent's gross estate which at the time of his death is situated in the

Philippines. Where the property referred to consists of two or more items the aggregate value of such items shall be used for the purpose of computing the deduction.

(3) *Transfers for public use.*—The amount of all bequests, legacies, devises, or transfers to or for the use of the Government of the Philippines, or any political subdivision thereof, for exclusively public purposes. If the taxes imposed by sections 85 and 86 of this Chapter, or any estate, succession, legacy, or inheritance taxes, are, either by the terms of the will, by the law of the jurisdiction under which the estate is administered, or by the law of the jurisdiction imposing the particular tax, payable in whole or in part out of the bequests, legacies, or devises, otherwise deductible under this paragraph, then the amount deductible shall be the amount of such bequests, legacies, or devises reduced by the amount of such taxes. The amount of the deduction for any transfer shall not exceed the value of the transferred property required to be included in the gross estate.

(c) *Share in the conjugal property.*—The net share of the surviving spouse in the conjugal partnership property as diminished by the obligations properly chargeable to such property shall, for the purpose of this section, be deducted from the net estate of the decedent.

(d) *Miscellaneous provisions.*—(1) No deductions shall be allowed in the case of a nonresident not a citizen of the Philippines unless the executor, administrator or anyone of the heirs, as the case may be, includes in the return required to be filed under section 93 the value at the time of his death of that part of the gross estate of the nonresident not situated in the Philippines.

(2) For the purpose of this Chapter, stock in a domestic corporation owned and held by a nonresident not a citizen of the Philippines shall be deemed property within the Philippines, and any property of which the decedent has made a transfer by trust or otherwise, within the meaning of subsection (b) or (c) of section 88 of this Chapter, shall be deemed to be situated in the Philippines if so situated

either at the time of the transfer or at the time of the decedent's death.

SEC. 90. *Exemption of certain acquisitions and transmissions.*—The following shall not be taxed:

(a) The merger of usufruct in the owner of the naked title.

(b) The transmission or delivery of the inheritance or legacy by the fiduciary heir or legatee to the fideicommissary.

(c) The transmission from the first heir, legatee, or donee in favor of another beneficiary, in accordance with the desire of the predecessor.

In the last two cases, if the scale of taxation appropriate to the new beneficiary is greater than that paid by the first, the former must pay the difference.

SEC. 91. *Determination of value of usufructs, annuities, and other property.*—In order to determine the value of the right of usufruct, use or habitation, as well as that of annuity, there shall be taken into account the probable life of the beneficiary in accordance with the American Tropical Experience Table, calculated at eight *per centum* annual interest.

The estate shall be appraised at its fair market value as of the time of death, or as of six months thereafter, at the election of the executor or administrator in the case of the estate tax or the heirs in the case of inheritance tax. However, for the purpose of determining the value of real property, the assessed value as of the time of death, or, at the election of the executor, administrator or the heirs, as of six months after death, as shown by the tax rolls shall, be considered as the fair market value, unless the contrary is shown.

In order to determine the tax which should be paid by the beneficiary of a legacy of education referred to in article 879 of the Civil Code, when the legacy consists of profits, interests, or dividends derived from any property, the legatee should be considered as a usufructuary until he becomes of legal age.

In case a legacy of usufruct is made in favor of a juridical person, the legatee shall pay seventy-five *per centum* of the

tax and the remaining twenty-five *per centum* shall be paid by the owner of the naked title of the property.

SEC. 92. *Notice of death to be filed.*—In all cases of inheritance or transfers subject to tax, or where, though exempt from tax, the gross value of the estate exceeds three thousand pesos, the executor, administrator, or the heirs, as the case may be, within two months after the decedent's death, or within a like period after qualifying as such executor or administrator, shall give a written notice thereof to the Collector of Internal Revenue.

SEC. 93. *Returns.*

(a) *Requirements*—In all cases of inheritance or transfers subject to either the estate tax or the inheritance tax, or both, or where, though exempt from both taxes, the gross value of the estate exceeds three thousand pesos, the executor, administrator, or anyone of the heirs, as the case may be, shall file a return under oath in duplicate, setting forth (1) the value of the gross estate of the decedent at the time of his death, or, in case of a nonresident not a citizen of the Philippines, of that part of his gross estate situated in the Philippines; (2) the deductions allowed from gross estate in determining net estate as defined in section 89; (3) such part of such information as may at the time be ascertainable and such supplemental data as may be necessary to establish the correct taxes.

(b) *Time for filing.*—For the purpose of determining both the estate and inheritance taxes provided for in sections 85 and 86 of this Chapter, the return required under the preceding subsection (a) shall be filed within six months after the decedent's death; but if judicial testamentary or intestate proceedings shall be instituted for the settlement of the decedent's state prior to the expiration of said period, the return must be filed within twelve months after the decedent's death.

A certified copy of the schedule of partition and the order of the court approving the same shall be furnished the Collector of Internal Revenue by the clerk of court within thirty days after the promulgation of such order.

(c) *Extension of time.*—The Collector of Internal Revenue shall have authority to grant, in meritorious cases, a reasonable extension not exceeding thirty days for filing the return.

(d) *Place for filing.*—The return required under subsection (a) shall be filed with the Collector of Internal Revenue, provincial revenue agent, or with the treasurer of the province, city, or municipality in which the decedent was domiciled at the time of his death.

SEC. 94. *Where no return, or a false or fraudulent return filed.*—In case the executor, administrator, or any heir fails to file a return at the time prescribed above, or makes, willfully or otherwise, a false or fraudulent return, the Collector of Internal Revenue shall make the return from his own knowledge and from such information as he can obtain through testimony or otherwise. In any such case, the Collector of Internal Revenue may make a return or amend any return and any return so made shall be *prima facie* good and sufficient for all legal purposes.

SEC. 95. *Payment of tax.*

(a) *Time of payment.*

(1) *General rule.*—The estate and inheritance taxes imposed by sections 85 and 86 shall be due any payable within nine months and twelve months, respectively, after the decedent's death and shall be paid by the executor, administrator, or the heirs, as the case may be, to the Collector of Internal Revenue or to the treasurer of the province, city, or municipality in which the decedent was domiciled at the time of his death.

(2) *Exception.*—In case judicial testamentary or intestate proceedings shall be instituted for the settlement of the decedent's estate prior to the expiration of six months after his death, the estate and inheritance taxes shall be due and payable within twenty-one months and twenty-four months, respectively, after the decedent's death.

(b) *Extension of time.*—When the Collector of Internal Revenue finds that the payment on the due date of the estate or inheritance taxes or of any part of the said amounts would impose undue hardship upon the estate or any of the heirs, he may extend the time for payment

of such taxes or any part thereof not to exceed five years, in case the estate is settled through the court or two years in case the estate is settled extrajudicially. In such case the amount in respect of which the extension is granted shall be paid on or before the date of the expiration of the period of the extension, and the running of the statute of limitations for assessment as provided in section 331 of this Code shall be suspended for the period of any such extension.

Where the taxes are assessed by reason of negligence, intentional disregard of rules and regulations, or fraud on the part of the taxpayer, no extension will be granted by the Collector.

If an extension is granted, the Collector of Internal Revenue may require the executor, or administrator, or the beneficiary, as the case may be, to furnish a bond in such amount, not exceeding double the amount of the taxes and with such sureties as the Collector deems necessary, conditioned upon the payment of the said taxes in accordance with the terms of the extension.

(c) *Liability for payment.*—The estate tax imposed by section 85 shall be paid by the executor or administrator before delivering to any beneficiary his distributive share of the estate. For the purpose of this Chapter, the term "executor" or "administrator" means the executor or administrator of the decedent, or, if there is no executor or administrator appointed, qualified, and acting within the Philippines, then any person in actual or constructive possession of any property of the decedent.

The inheritance tax imposed by section 86 shall, in the absence of contrary disposition by the predecessor, be charged to the account of each beneficiary, in proportion to the value of the benefit received, and in accordance with the scale fixed for the class or group to which he pertains: *Provided*, That in cases where the heirs divide extrajudicially the property left to them by their predecessor or otherwise convey, sell, transfer, mortgage, or encumber the same without paying the estate or inheritance taxes within the period prescribed in the preceding subsections

(a) and (b), they shall be solidarily liable for the payment of the said taxes to the extent of the estate they have received.

SEC. 96. *Examination of return and determination of tax.*—As soon as practicable, after the return is filed, the Collector of Internal Revenue shall examine it and shall determine the correct amount of the taxes due thereon.

SEC. 97. *Discharge of executor or administrator from personal liability.*—If the executor or administrator makes written application to the Collector of Internal Revenue for determination of the amount of the estate tax and discharge from personal liability therefor, the Collector of Internal Revenue (as soon as possible, and in any event within one year after the making of such application, or, if the application is made before the return is filed, then within one year after the return is filed, but not after the expiration of the period prescribed for the assessment of the tax in section 331 shall notify the executor or administrator of the amount of the tax. The executor or administrator, upon payment of the amount of which he is notified, shall be discharged from personal liability for any deficiency in the tax thereafter found to be due and shall be entitled to a receipt or writing showing such discharge.

SEC. 98. *Definition of deficiency.*—As used in this Chapter, the term "deficiency" means:

(a) The amount by which the taxes imposed by this Chapter exceed the amount shown as the taxes by the executor, administrator or any of the heirs upon his return; but the amount so shown on the return shall first be increased by the amounts previously assessed (or collected without assessment) as a deficiency and decreased by the amounts previously abated, refunded, or otherwise repaid in respect of such taxes; or

(b) If no amount is shown as the taxes by the executor, administrator or any of the heirs upon his return, or if no return is made by the executor, administrator, or any heir, then the amount by which the taxes exceed the amounts previously assessed (or collected without assessment) as

a deficiency; but such amounts previously assessed, or collected without assessment, shall first be decreased by the amounts previously abated, refunded, or otherwise repaid in respect of such taxes.

SEC. 99. *Interest on extended payment.*—(a) *Tax shown on the return.*—If the time for the payment of either the estate tax or the inheritance tax or any part thereof is extended as provided in subsection (b) of section 95, there shall be collected, as a part of such amount, interest thereon at the rate of six *per centum per annum* from the day following the due date of the taxes to the expiration of the period of the extension.

(b) *Deficiency.*—In case an extension for the payment of a deficiency is granted, there shall be collected, as a part of the tax, interest on the part of the deficiency the time for the payment of which is so extended, at the rate of six *per centum per annum* for the period of the extension.

SEC. 100. *Interest on deficiency.*—Interest upon the amount determined as a deficiency shall be assessed at the same time as the deficiency, shall be paid upon notice and demand from the Collector of Internal Revenue, and shall be collected as a part of the tax, at the rate of six *per centum per annum* from the due date of the tax to the date the deficiency is assessed.

SEC. 101. *Additions to the tax in case of nonpayment.*—(a) *Tax shown on the return.*

(1) *Payment not extended.*—Where the amount of the taxes imposed by this Chapter, or any part of such amount is not paid on the due date of the taxes, there shall be collected as a part of the taxes, interest upon such unpaid amount at the rate of one *per centum* a month from the due date until it is paid.

(2) *Payment extended.*—Where an extension of time for payment of the amount of the taxes has been granted, and the amount, the time for the payment of which has been extended, and the interest thereon determined under subsection (a) of section 99, is not paid in full prior to the expiration of the period of the extension, interest at the rate of one *per centum* a month shall be collected on such un-

paid amount from the date when the same was originally due until it is paid.

(b) *Deficiency.*

(1) *Payment not extended.*—Where a deficiency, or any interest assessed in connection therewith under section 100, or any addition to the taxes provided for in section 102 is not paid in full within thirty days from the date of the notice and demand from the Collector, there shall be collected as part of the taxes, interest upon the unpaid amount at the rate of one *per centum* a month from the date of such notice and demand until it is paid.

(2) *Payment extended.*—If the part of the deficiency the time for payment of which is extended is not paid in accordance with the terms of the extension, there shall be collected, as a part of the taxes, interest on such unpaid amount at the rate of one *per centum* a month from the date the same was originally due until it is paid.

(c) *Surcharge.*—If any amount of the taxes included in the notice and demand from the Collector of Internal Revenue is not paid in full within thirty days after such notice and demand, there shall be collected in addition to the interest prescribed herein and in sections 99 and 100 and as part of the taxes a surcharge of five *per centum* of the unpaid amount.

SEC. 102. *Ad valorem penalties.*—In case of any failure to make and file a return within the time prescribed by law or by the Collector of Internal Revenue, the Collector shall add to the tax twenty-five *per centum* of its amount, except that, when a return is voluntarily and without notice from the Collector filed after such time, and it is shown that the failure to file it was due to a reasonable cause, no such addition shall be made to the tax. In case a false or fraudulent return is made, the Collector of Internal Revenue shall add to the tax or to the deficiency tax, in case any payment has been made on the basis of such return before the discovery of the falsity or fraud, a surcharge of fifty *per centum* of its amount. The amount so added to any tax shall be collected at the same time and in the

same manner and as part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

SEC. 103. *Payment before delivery by executor or administrator.*—No judge shall authorize the executor or judicial administrator to deliver a distributive share to any party interested in the estate unless it shall appear that the estate tax has been paid.

SEC. 104. *Duties of certain officers and debtors.*—Registers of deeds shall not register in the registry of property any document transferring real property or real rights therein or any chattel mortgage, by way of gifts *inter vivos* or *mortis causa*, legacy or inheritance, unless the payment of the taxes fixed in this Title and actually due thereon shall be shown. And they shall immediately notify the Collector of Internal Revenue or the corresponding provincial or city treasurer of the nonpayment of the tax discovered by them. Any lawyer, notary public, or any Government officer who, by reason of his official duties, intervenes in the preparation or acknowledgment of documents regarding partition or disposal of donation *inter vivos* or *mortis causa*, legacy or inheritance, shall have the duty of furnishing the Collector of Internal Revenue or the provincial or city treasurer of the place where he may have his principal office, with copies of such documents and any information whatsoever which may facilitate the collection of the aforementioned tax. Neither shall a debtor of a deceased pay his debts to the heirs, legatees, executor, or administrator of his creditor, unless the payment of the tax fixed in this Chapter shall be shown; but he may pay the executor or judicial administrator without said requirement if the credit is included in the inventory of the estate of the deceased.

SEC. 105. *Restitution of tax upon satisfaction of outstanding obligation.*—If, after the payment of the taxes, new obligations of the testator shall appear, and the persons interested shall have satisfied them by order of the court, they shall have a right to the restitution of the proportional parts of the taxes paid.

SEC. 106. *Payment of tax antecedent to the transfer of shares, bonds, or rights.*—There shall not be transferred to any new owner in the books of any corporation, *sociedad anónima*, partnership, business, or industry organized or established in the Philippines, any shares, obligations, bonds, or rights by way of gift *inter vivos* or *mortis causa*, legacy, or inheritance unless it is shown that the taxes fixed in this Title and due thereon have been paid.

SEC. 107. *Specific penalties.*—(a) Any person required under this Chapter or regulations made under authority thereof to pay the tax, make a return, keep any records, or supply any information, for the purposes of the computation, assessment, or collection of any tax imposed by this Chapter, who fails to pay such tax, make such return, keep such records, or supply such information, at the time or times required by this Chapter or regulations, shall, in addition to other penalties provided herein, be fined not more than two thousand pesos or imprisoned for not more than six months, or both.

(b) Any person required under this Chapter to make, render, sign, or verify any return, or to supply any information, who makes any false or fraudulent return or statement with intent to defeat or evade the assessment required by this Chapter to be made, shall, in addition to other penalties provided herein, be fined not more than four thousand pesos or imprisoned for not more than one year, or both.

(c) Any executor or administrator who shall deliver or distribute to an heir, legatee, devisee, donee, or beneficiary, any real or personal property, credit, right, or franchise, and any officer, manager or employee of any corporation, firm or association, *sociedad anónima*, partnership, business or industry who transfers in its books to any new owner any share, obligation, bond, or right, pertaining to an estate or inheritance subject to the taxes imposed in this Chapter without their payment being shown, shall be fined not more than five thousand pesos or imprisoned for not more than one year, or both.

(d) Any administrator, executor, donee, legatee, or heir who conceals any goods, rights, credits, or transfers subject to the taxes imposed in this Chapter shall be punished by a fine of not less than twenty-five *per centum* of the value of that which he may have concealed, nor more than said value, or by imprisonment for not more than one year, or both.

CHAPTER II.—*Gift Tax*

SEC. 108. *Imposition of tax.*—(a) There shall be levied, assessed, collected, and paid upon the transfer by any individual, resident or nonresident, of property by gift, a tax, computed as provided in section 109.

(b) The tax shall apply whether the transfer is in trust or otherwise, whether the gift is direct or indirect, and whether the property is real or personal, tangible or intangible.

SEC. 109. *Rates of tax payable by donor.*—The tax for each calendar year shall be an amount equal to the excess of a tax, computed in accordance with the rate schedule hereinafter set forth, on the aggregate sum of the net gifts for such calendar year and for each of the preceding calendar years, over a tax, computed in accordance with the rate schedule, on the aggregate sum of the net gifts for each of the preceding calendar years.

Rate Schedule

Three-fourths of one *per centum* of the amount by which the net gifts exceed three thousand pesos and do not exceed ten thousand pesos;

One and one-fourth *per centum* of the amount by which the net gifts exceed ten thousand pesos and do not exceed thirty thousand pesos;

One and one-half *per centum* of the amount by which the net gifts exceed thirty thousand pesos and do not exceed fifty thousand pesos;

One and seven-eighths *per centum* of the amount by which the net gifts exceed fifty thousand pesos and do not exceed eighty thousand pesos;

Two and one-fourth *per centum* of the amount by which the net gifts exceed eighty thousand pesos and do not exceed one hundred and ten thousand pesos;

Two and five-eighths *per centum* of the amount by which the net gifts exceed one hundred and ten thousand pesos and do not exceed one hundred and fifty thousand pesos;

Three *per centum* of the amount by which the net gifts exceed one hundred and fifty thousand pesos and do not exceed one hundred and ninety thousand pesos;

Three and three eighths *per centum* of the amount by which the net gifts exceed one hundred and ninety thousand pesos and do not exceed two hundred and forty thousand pesos;

Three and three-fourths *per centum* of the amount by which the net gifts exceed two hundred and forty thousand pesos and do not exceed two hundred and ninety thousand pesos;

Four and one-eighth *per centum* of the amount by which the net gifts exceed two hundred and ninety thousand pesos and do not exceed three hundred and fifty thousand pesos;

Four and one-half *per centum* of the amount by which the net gifts exceed three hundred and fifty thousand pesos and do not exceed four hundred and twenty thousand pesos;

Four and seven-eighths *per centum* of the amount by which the net gifts exceed four hundred and twenty thousand pesos and do not exceed five hundred thousand pesos;

Five and one-fourth *per centum* of the amount by which the net gifts exceed five hundred thousand pesos and do not exceed six hundred thousand pesos;

Five and five-eighths *per centum* of the amount by which the net gifts exceed six hundred thousand pesos and do not exceed seven hundred and twenty thousand pesos;

Six *per centum* of the amount by which the net gifts exceed seven hundred and twenty thousand pesos and do not exceed eight hundred and fifty thousand pesos;

Six and three-eighths *per centum* of the amount by which the net gifts exceed eight hundred and fifty thousand pesos and do not exceed one million pesos;

Six and three-fourths *per centum* of the amount by which the net gifts exceed one million pesos and do not exceed one million and two hundred thousand pesos;

Seven and one-eighth *per centum* of the amount by which the net gifts exceed one million and two hundred thousand pesos and do not exceed one million and five hundred thousand pesos; and

Seven and one-half *per centum* of the amount by which the net gifts exceed one million and five hundred thousand pesos.

SEC. 110. *Rates of tax payable by donee.*—In addition to the gift tax imposed under the preceding section, there shall be levied a tax in the amount equal to the excess of a tax, computed in accordance with the rate schedule hereinafter set forth, on the aggregate sum of the net gifts received by each donee for such calendar year and for each of the preceding calendar years, over a tax, computed in accordance with the rate schedule, on the aggregate sum of the net gifts for each of the preceding calendar years received by each donee.

Rate Schedule

(a) When the donee or beneficiary is a spouse, a legitimate, recognized natural or adopted child, or a legitimate descendant or ascendant, or either of the adopting parents of the donor, or the father or mother who had recognized such donor as a natural child, and in every case where the donee receives the property exclusively for educational or charitable purposes, there shall be collected from the donee upon the gifts received by him a tax equal to the sum of the following:

Three-fourths of one *per centum* upon the first ten thousand pesos;

One and one-half *per centum* of the amount by which the net gifts exceed ten thousand pesos and do not exceed thirty thousand pesos;

Two and one-fourth *per centum* of the amount by which the net gifts exceed thirty thousand pesos and do not exceed fifty thousand pesos;

Three *per centum* of the amount by which the net gifts exceed fifty thousand pesos and do not exceed eighty thousand pesos;

Three and three-fourths *per centum* of the amount by which the net gifts exceed eighty thousand pesos and do not exceed one hundred and ten thousand pesos;

Four and one-half *per centum* of the amount by which the net gifts exceed one hundred and ten thousand pesos and do not exceed one hundred and fifty thousand pesos;

Five and one-fourth *per centum* of the amount by which the net gifts exceed one hundred and fifty thousand pesos and do not exceed one hundred and ninety thousand pesos;

Six *per centum* of the amount by which the net gifts exceed one hundred and ninety thousand pesos and do not exceed two hundred and forty thousand pesos;

Six and three-fourths *per centum* of the amount by which the net gifts exceed two hundred and forty thousand pesos and do not exceed two hundred and ninety thousand pesos;

Seven and one-half *per centum* of the amount by which the net gifts exceed two hundred and ninety thousand pesos and do not exceed three hundred and fifty thousand pesos;

Eight and one-fourth *per centum* of the amount by which the net gifts exceed three hundred and fifty thousand pesos and do not exceed four hundred and twenty thousand pesos;

Nine *per centum* of the amount by which the net gifts exceed four hundred and twenty thousand pesos and do not exceed five hundred thousand pesos;

Nine and three-fourths *per centum* of the amount by which the net gifts exceed five hundred thousand pesos and do not exceed six hundred thousand pesos;

Ten and one-half *per centum* of the amount by which the net gifts exceed six hundred thousand pesos and do not exceed seven hundred and twenty thousand pesos;

Eleven and one-fourth *per centum* of the amount by which the net gifts exceed seven hundred and twenty thousand pesos and do not exceed eight hundred and fifty thousand pesos;

Twelve *per centum* of the amount by which the net gifts exceed eight hundred and fifty thousand pesos and do not exceed one million pesos; and

Twelve and three-fourths *per centum* of the amount by which the net gifts exceed one million pesos.

Where the property is received for educational or charitable purposes, it shall be the duty of the person or persons in charge thereof to submit from time to time a report of the administration and use of the property to the Collector of Internal Revenue and within twenty days after demand therefor has been made by the said Collector.

(b) When the donee or beneficiary is a brother or sister who is a legitimate or acknowledged natural child of a common father or mother, or both, of the donor, or the children of such brother or sister, or any descendant mentioned as such in the deed and not included in subsection (a) hereof, there shall be collected the same tax fixed in said subsection with an increase of one hundred *per centum*.

(c) When the donee or beneficiary is a relative within the sixth degree and not included in subsections (a) and (b), there shall be collected the same tax fixed in subsection (a) with an increase of two hundred *per centum*.

(d) When the donee or beneficiary is a relative by affinity within the same degree as those mentioned in subsections (a) and (b), with the exception of the spouse, there shall be collected the same tax fixed in subsection (a) with an increase of three hundred *per centum*.

(e) When the donee or beneficiary is a stranger, there shall be collected from the donee upon the net gifts received by him a tax equal to the sum of the following:

Seven and one-half *per centum* upon the first ten thousand pesos;

Fifteen *per centum* of the amount by which the net gifts exceed ten thousand pesos and do not exceed thirty thousand pesos;

Twenty-two and one-half *per centum* of the amount by which the net gifts exceed thirty thousand pesos and do not exceed fifty thousand pesos;

Twenty-six and one-fourth *per centum* of the amount by which the net gifts exceed fifty thousand pesos and do not exceed eighty thousand pesos;

Thirty *per centum* of the amount by which the net gifts exceed eighty thousand pesos and do not exceed one hundred and ten thousand pesos;

Thirty-three and three-fourths *per centum* of the amount by which the net gifts exceed one hundred and ten thousand pesos and do not exceed one hundred and fifty thousand pesos;

Thirty-seven and one-half *per centum* of the amount by which the net gifts exceed one hundred and fifty thousand pesos and do not exceed one hundred and ninety thousand pesos;

Forty-one and one-fourth *per centum* of the amount by which the net gifts exceed one hundred and ninety thousand pesos and do not exceed two hundred and forty thousand pesos;

Forty-five *per centum* of the amount by which the net gifts exceed two hundred and forty thousand pesos and do not exceed two hundred and ninety thousand pesos;

Forty-eight and three-fourths *per centum* of the amount by which the net gifts exceed two hundred and ninety thousand pesos and do not exceed three hundred and fifty thousand pesos;

Fifty-one *per centum* of the amount by which the net gifts exceed three hundred and fifty thousand pesos and do not exceed four hundred and twenty thousand pesos;

Fifty-two and one-half *per centum* of the amount by which the net gifts exceed four hundred and twenty thousand pesos and do not exceed five hundred thousand pesos;

Fifty-three and one-fourth *per centum* of the amount by which the net gifts exceed five hundred thousand pesos and do not exceed six hundred thousand pesos;

Fifty-four *per centum* of the amount by which the net gifts exceed six hundred thousand pesos and do not exceed seven hundred and twenty thousand pesos;

Fifty-four and three-fourths *per centum* of the amount by which the net gifts exceed seven hundred and twenty thousand pesos and do not exceed eight hundred and fifty thousand pesos;

Fifty-five and one-half *per centum* of the amount by which the net gifts exceed eight hundred and fifty thousand pesos and do not exceed one million pesos; and

Fifty-six and one-fourth *per centum* of the amount by which the net gifts exceed one million pesos.

For the purpose of this tax, strangers are deemed those relatives by consanguinity of the seventh or more remote degree in the collateral line, and all relatives by affinity not included in subsections (a) and (d): *Provided, however,* That where the beneficiary is a domestic servant or a trusted employee, there shall be collected on the first two thousand pesos and five thousand pesos, respectively, the tax fixed in subsection (a) of this section and, on the excess, the tax prescribed in this subsection. In cases of property which by the desire of the donor should be divided among the poor, without the designation of any particular persons, or which should be disposed of for masses or other pious works, there shall be collected from the donee the tax at the rate fixed in this subsection upon the total aggregate amount of such gifts.

In case the property donated is subject to the usufructuary interest, use or habitation or annuity of a third person, the tax shall be based on the value of the net gifts less that of the usufruct, use or habitation or annuity determined in accordance with the provisions of section 91.

SEC. 111. *Transfer for less than adequate and full consideration.*—Where property is transferred for less than an adequate and full consideration in money or money's worth, then the amount by which the value of the property exceeded the value of the consideration shall, for the purpose of the tax imposed by this Chapter, be deemed a gift, and shall be included in computing the amount of gifts made during the calendar year.

SEC. 112. *Exemption of certain gifts.*—The following gifts or donations shall be exempt from the tax provided for in this Chapter:

(a) *In the case of gifts made by a resident:*

(1) Gifts made in favor of the spouse and the legitimate, recognized natural, or adopted children where the aggre-

gate value of such gifts in any one year to any one donee does not exceed two thousand pesos.

(2) Dowries or gifts made on account of marriage and before its celebration or within one year thereafter by parents to each of their legitimate, recognized natural, or adopted children to the extent of the first ten thousand pesos.

(3) Gifts made in favor of persons other than the spouse and the legitimate, recognized natural, or adopted children to the extent of the first one thousand pesos a year, or five *per centum* of the net income of the donor during the preceding year, whichever is the greater, but in no case shall the amount of exemption allowed under this paragraph exceed five thousand pesos.

(4) Gifts made to or for the use of the National Government or any entity created by any of its agencies which is not conducted for profit, or to any political subdivision of the said Government.

(b) In the case of gifts made by a nonresident not a citizen of the Philippines:

Gifts made to or for the use of the National Government or any entity created by any of its agencies which is not conducted for profit, or to any political subdivision of the said Government.

SEC. 113. *Valuation of gifts made in property.*—If the gift is made in property, the fair market value thereof at the time of the gift shall be considered the amount of the gift: *Provided*, That in case of real property, the assessed value in the year of the gift as shown in the tax rolls shall be considered as the fair market value, unless the contrary is shown.

SEC. 114. *Notice of donation to be filed.*—In all cases of donation valued at ten thousand pesos or more, the donor shall, within thirty days after the donation, give a written notice thereof to the Collector of Internal Revenue stating the value of the gifts, the name of the donee and the relation of the donor to the donee. For the purpose of this section, the date of execution of the deed or, in case no

deed is executed, the date of the delivery of the thing donated or, in case acceptance is required for the validity of the gifts, the date of acceptance shall be deemed to be the date of the transfer.

SEC. 115. *Returns.*

(a) *Return by donor.*—Any individual who after the approval of this Code or in any calendar year thereafter makes any transfer by gift (except those which under section 112 are exempt from tax) shall, for the purpose of the tax prescribed in section 109, make a return under oath in duplicate. The return shall set forth (1) each gift made during the calendar year which is to be included in computing net gifts; (2) the deductions claimed and allowable; (3) the net gifts for each of the preceding calendar years; (4) the name of the donee and his relation to the donor; and (5) such further information as may be required by regulations made pursuant to law.

(b) *Return by donee.*—Any donee who after the approval of this Code or in any calendar year thereafter receives any transfer by gift (except those which under section 112 are exempt from tax) shall, for the purpose of the tax prescribed in section 110, make a return under oath in duplicate. The return shall set forth (1) each gift received during the calendar year which is to be included in computing net gifts; (2) the deductions claimed and allowable; (3) the net gifts for each of the preceding calendar years; (4) the name of the donor and his relation to the donee; and (5) such further information as may be required by regulations made pursuant to law. The donee shall file a separate return for gifts received from each donor.

(c) *Time and place of filing.*—The return of the donor or the donee required in this section shall be filed on or before the first day of March following the close of the calendar year with the Collector of Internal Revenue, provincial revenue agent, or with the treasurer of the province, city, or municipality in which the donor or the donee was domiciled at the time of the transfer.

(d) *Extension for filing.*—The Collector of Internal Revenue shall have authority to grant, in meritorious cases, a reasonable extension not exceeding thirty days for filing returns required of the donor or the donee.

SEC. 116. *Payment of Tax.*

(a) *Time of payment of tax.*—The gift taxes imposed by sections 109 and 110 of this Chapter shall be due and payable on or before the first day of March following the close of the calendar year and shall be paid by the donor or the donee, as the case may be, to the Collector of Internal Revenue or to the treasurer of the province, city or municipality of which the donor or the donee is a resident.

(b) *Extension of time.*—When the Collector of Internal Revenue finds that the payment on the due date of the gift taxes or of any part of the said amounts would impose undue hardship upon the donor or the donee, the Collector of Internal Revenue may extend the time for payment of any such part not to exceed six months from the date prescribed for the payment of the tax. In such case the amount in respect of which the extension is granted shall be paid on or before the date of the expiration of the period of the extension.

Where the taxes are assessed by reason of negligence, intentional disregard of rules and regulations, or fraud on the part of the taxpayer, no extension will be granted by the Collector.

If an extension is granted, the Collector of Internal Revenue may require the donor or donee, as the case may be, to furnish a bond in such amount, not exceeding double the amount of the taxes and with such sureties as the Collector deems necessary, conditioned upon the payment of the said taxes in accordance with the terms of the extension.

(c) *Voluntary payment.*—The tax imposed by this Chapter may be paid, at the election of the donor or the donee, prior to the date prescribed for its payment.

SEC. 117. *Examination of return and determination of tax.*—As soon as practicable, after return is filed, the Collector of Internal Revenue shall examine it and shall determine the correct amount of the gift taxes.

SEC. 118. *Interest on extended payments.*

(a) *Tax shown on the return.*—If the time for the payment of the amount determined as the taxes by the donor or by the donee is extended under the authority of subsection (b) of section 116, there shall be collected, as a part of such amounts, interest thereon at the rate of six *per centum per annum* from the date when such payment should have been made if no extension had been granted, until the expiration of the period of the extension.

(b) *Deficiency.*—In case an extension for the payment of a deficiency is granted, there shall be collected, as a part of the taxes, interest on the part of the deficiency the time for payment of which is so extended, at the rate of six *per centum per annum* for the period of the extension.

SEC. 119. *Additions to the tax in case of nonpayment.*

(a) *Tax shown on the return.*

(1) *Payment not extended.*—Where the amount of the taxes determined by the donor or the donee as the taxes or any part of such amount is not paid on the due date of the taxes, there shall be collected as a part of the taxes, interest upon such unpaid amount at the rate of one *per centum* a month from the due date until it is paid.

(2) *Payment extended.*—Where an extension of time for payment of the amount so determined as the tax by the donor or the donee has been granted, and the amount the time for the payment of which has been extended, and the interest thereon determined under subsection (a) of section 118 is not paid in full prior to the expiration of the period of the extension, interest at the rate of one *per centum* a month shall be collected on such unpaid amount from the date when the same was originally due until it is paid.

(b) *Deficiency.*

(1) *Payment not extended.*—Where a deficiency, or any interest assessed in connection therewith, or any addition to the taxes provided for in section 120 is not paid in full within thirty days from the date of the notice and demand from the Collector, there shall be collected as a part of the taxes, interest upon the unpaid amount at the rate of one *per centum* a month from the date of such notice and demand until it is paid.

(2) *Payment extended.*—If the part of the deficiency the time for payment of which is extended is not paid in accordance with the terms of the extension, there shall be collected, as a part of the taxes, interest on such unpaid amount at the rate of one *per centum* a month from the date the same was originally due until it is paid.

(c) *Surcharge.*—If any amount of the taxes included in the notice and demand from the Collector of Internal Revenue is not paid in full within thirty days after such notice and demand, there shall be collected in addition to the interest prescribed above and as a part of the taxes a surcharge of five *per centum* of the unpaid amount.

SEC. 120. *Ad valorem penalties.*—In case of any failure to make and file a return within the time prescribed in subsection (c) of section 115 or by the Collector of Internal Revenue, there shall be added to the tax twenty-five *per centum* of its amount, except that, when a return is voluntarily and without notice from the Collector filed after such time, and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax. In case a false or fraudulent return is willfully made, there shall be added to the tax or to the deficiency tax, in case any payment has been made on the basis of such return before the discovery of the falsity or fraud, a surcharge of fifty *per centum* of its amount. The amount so added to any tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case

the amount so added shall be collected in the same manner as the tax.

SEC. 121. *Specific penalties.*—(a) Any person required under this Chapter to pay any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information for the purpose of the computation, assessment, or collection of any tax imposed by this Chapter, who fails to pay such tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided for in this Chapter, be fined not more than two thousand pesos or imprisoned for not more than six months, or both.

(b) Any person who attempts in any manner to evade or defeat any tax imposed by this Chapter, or the payment thereof, or who transfers fictitiously by sale or otherwise any property to evade or defeat the purposes of this Chapter, shall, in addition to other penalties, be punished by a fine of not more than four thousand pesos or imprisoned for not more than one year, or both.

SEC. 122. *Definitions.*—For the purposes of this Title, the terms “gross estate” and “gift” include real estate and tangible personal property, or mixed, physically located in the Philippines; franchise which must be exercised in the Philippines; shares, obligations, or bonds issued by any corporation or *sociedad anónima* organized or constituted in the Philippines in accordance with its laws; shares, obligations, or bonds issued by any foreign corporation eighty-five *per centum* of the business of which is located in the Philippines; shares, obligations, or bonds issued by any foreign corporation if such shares, obligations, or bonds have acquired a business situs in the Philippines; shares, or rights in any partnership, business or industry established in the Philippines; or any personal property, whether tangible or intangible, located in the Philippines: *Provided, however,* That in the case of a resident, the transmission or transfer of any tangible personal property, regardless of its location, is subject to the taxes pre-

scribed in this Title: *And provided, further,* That no tax shall be collected under this Title in respect of intangible personal property (a) if the decedent at the time of his death was a resident of a foreign country which at the time of his death did not impose a transfer tax or death tax of any character in respect of intangible personal property of citizens of the Philippines not residing in that foreign country, or (b) if the laws of the foreign country of which the decedent was a resident at the time of his death allow a similar exemption from transfer taxes or death taxes of every character in respect of intangible personal property owned by citizens of the Philippines not residing in that foreign country.

The term "deficiency" means (1) the amount by which the taxes imposed by this Chapter exceed the amount shown as the taxes by the donor or donee upon his return; but the amount so shown on the return shall first be increased by the amounts previously assessed (or collected without assessment) as a deficiency, and decreased by the amounts previously abated, refunded, or otherwise repaid in respect of such taxes; or (2) if no amount is shown as the taxes by the donor or donee upon his return, or if no return is made by the donor or donee, then the amount by which the taxes exceed the amounts previously assessed (or collected without assessment) as a deficiency; but such amounts previously assessed, or collected without assessment, shall first be decreased by the amounts previously abated, refunded, or otherwise repaid in respect of such taxes.

TITLE IV.—SPECIFIC TAXES

CHAPTER I.—*Articles Subject to Specific Tax*

SEC. 123. *Articles subject to specific tax.*—Specific internal-revenue taxes apply to things manufactured or produced in the Philippines for domestic sale or consumption and to things imported from the United States or foreign countries, but not to anything produced or manufactured here which shall be removed for exportation and is actually exported without returning to the Philippines, whether so exported in its original state or as an ingredient or part of any manufactured article or product.

In case of importations the internal-revenue tax shall be in addition to the customs duties, if any.

No specific tax shall be collected on any articles sold and delivered directly to the United States Army or Navy for actual use or issue by the Army or Navy, or on any article sold to the Bureau of Coast and Geodetic Survey, purchased with funds furnished by the Government of the United States, and any taxes which have been paid on articles so sold and delivered for such use or issue shall be refunded upon sale and delivery.

SEC. 124. *Payment of specific tax on domestic products.*—Specific taxes on domestic products shall be paid by the manufacturer, producer, owner, or person having possession of the same; and, except as otherwise especially allowed, such taxes shall be paid immediately before removal from the place of production.

SEC. 125. *Payment of specific tax on imported articles.*—Specific taxes on imported articles shall be paid by the owner or importer to the customs officers, conformably with regulations of the Department of Finance and before the release of such articles from the customhouse.

SEC. 126. *Mode of computing contents of cask or package.*—Every fractional part of a proof liter equal to or greater than a half liter in a cask or package containing more than one liter shall be taxed as a liter, and any smaller fractional part shall be exempt; but any package of spirits the total contents of which are less than a proof liter shall be taxed as one liter.

SEC. 127. *Tax on preparations containing distilled spirits as chief ingredient.*—Medicinal and toilet preparations, flavoring extracts, and all other preparations, of which, excluding water, distilled spirits form the chief ingredient, shall be subject to the same tax as such chief ingredient.

Upon permit from the Collector of Internal Revenue and subject to the regulations of the Department of Finance, manufacturers of cigars may withdraw from bond free of tax imported wine in specific quantities and grades for use in the treatment of tobacco leaf to be used in the manufac-

ture of cigars; but such wine must first be suitably denatured.

SEC. 128. *Exemption in favor of domestic denatured alcohol.*—Domestic alcohol of not less than one hundred eighty degrees proof (ninety *per centum* absolute alcohol) may, when denatured, be withdrawn from a registered distillery or bonded warehouse of the distiller or of the Government without the payment of the specific tax prescribed in section 133, for the purpose of being used for fuel, or light, or for use generally in the arts and industries.

SEC. 129. *Removal of spirits or cigars under bond.*—Spirits requiring rectification may be removed from the place of their manufacture to some other establishment for the purpose of rectification without the prepayment of the specific tax, provided the distiller removing such spirits and the rectifier receiving them shall file with the Collector of Internal Revenue their joint bond conditioned upon the future payment by the rectifier of the specific tax that may be due on any finished product, and cigars may be removed by a manufacturer of tobacco products owning and operating a branch factory separate from his principal factory, from the branch factory to the principal factory, for exportation, without the prepayment of the specific tax, provided the manufacturer shall file with the Collector of Internal Revenue his bond conditioned upon the future payment of the specific tax that may be due on the finished product.

SEC. 130. *Removal of fermented liquors to bonded warehouse.*—Any brewer may remove or transport or cause to be removed or transported from his brewery or other place of manufacture to a bonded warehouse used by him exclusively for the storage or sale in bulk of fermented liquors of his own manufacture, any quantities of such fermented liquors not less than one thousand liters at one removal, without paying the tax thereon at the time of removal from the place of manufacture, under a permit which shall be granted by the Collector of Internal Revenue; and there-

after the manufacturer of such fermented liquors shall pay the tax in the same manner and under the same penalty and liability as when paid at the brewery. Such permit shall be affixed to every package so removed and shall be cancelled or destroyed in such manner as the Collector of Internal Revenue may prescribe.

SEC. 131. *Removal of damaged liquors free of tax.*—When any fermented liquor has become sour or otherwise damaged so as to be unfit for use as such, brewers may sell and, after securing a special permit from the Collector of Internal Revenue and under the regulations of the Department of Finance, remove the same without the payment of the tax thereon to any place where such liquor is to be used for manufacturing purposes, in casks or other packages, unlike those ordinarily used for fermented liquors, containing each not less than one hundred seventy-five liters and having a note of their contents marked thereon.

SEC. 132. *Removal of tobacco products without prepayment of tax.*—Products of tobacco entirely unfit for chewing or smoking may be removed free of tax for agricultural or industrial use, under such conditions as may be prescribed in the regulations of the Department of Finance; and stemmed leaf tobacco, fine-cut shorts, the refuse of fine-cut chewing tobacco, refuse, scraps, cuttings, clippings and sweepings of tobacco may be sold in bulk as raw material by one manufacturer directly to another, under such conditions as may be prescribed in the regulations of the Department of Finance, without the prepayment of the tax.

“Stemmed leaf tobacco,” as herein used means leaf tobacco which has had the stem or midrib removed. The term does not include broken leaf tobacco.

SEC. 133. *Specific tax on distilled spirits.*—On distilled spirits there shall be collected, except as hereinafter provided, specific taxes as follows:

(a) If produced from sap of the nipa, coconut, cassava, camote, or buri palm, or from the juice, sirup, or sugar of the cane, per proof liter, thirty-eight centavos.

(b) If produced from any other material, per proof liter, one peso and thirty centavos.

This tax shall be proportionally increased for any strength of the spirits taxed over proof spirits.

"Distilled spirits," as here used, includes all substances known as ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, which are commonly produced by the fermentation and subsequent distillation of grain, starch, molasses, or sugar, or of some sirup or sap, including all dilutions or mixtures; and the tax shall attach to this substance as soon as it is in existence as such, whether it be subsequently separated as pure or impure spirits, or be immediately or at any subsequent time transformed into any other substances either in process of original production or by any subsequent process.

"Proof spirits" is liquor containing one-half its volume of alcohol of a specific gravity of seven thousand nine hundred and thirty-nine ten-thousandths at fifteen degrees centigrade. A proof liter means a liter of proof spirits.

SEC. 134. *Specific tax on wines.*—On wines and imitation wines there shall be collected, per liter of volume capacity regardless of proof, the following taxes:

(a) Sparkling wines, one peso and sixty centavos.

(b) Still wines containing fourteen *per centum* of alcohol or less, twenty centavos.

(c) Still wines containing more than fourteen *per centum* of alcohol, forty centavos.

Imitation wines containing more than twenty-five *per centum* of alcohol shall be taxed as distilled spirits.

SEC. 135. *Specific tax on fermented liquors.*—On beer, lager beer, ale, porter, and other fermented liquors (except *tuba*, *basi*, *tapuy* and similar domestic fermented liquors), there shall be collected, on each liter of volume capacity, twelve and one-half centavos.

SEC. 136. *Specific tax on products of tobacco.*—On manufactured products of tobacco, except cigars, cigarettes, and tobacco specially prepared for chewing so as to be unsuitable for consumption in any other manner, but including

all other tobacco twisted by hand or reduced into a condition to be consumed in any manner other than by the ordinary mode of drying and curing; and on all tobacco prepared or partially prepared for sale or consumption, even if prepared without the use of any machine or instrument and without being pressed or sweetened; and on all fine-cut shorts and refuse, scraps, clippings, cuttings, and sweepings of tobacco, there shall be collected on each kilogram, sixty centavos.

On tobacco specially prepared for chewing so as to be unsuitable for use in any other manner, on each kilogram, forty-eight centavos.

SEC. 137. *Specific tax on cigars and cigarettes.*—On cigars and cigarettes there shall be collected the following taxes:

(a) Cigars—

(1) When the manufacturer's or importer's wholesale price, less the amount of the tax, does not exceed thirty pesos per thousand, on each thousand, two pesos and thirty centavos.

(2) When the manufacturer's or importer's wholesale price, less the amount of the tax, exceeds thirty pesos but does not exceed sixty pesos per thousand, on each thousand, four pesos and sixty centavos.

(3) When the manufacturer's or importer's wholesale price, less the amount of the tax, exceeds sixty pesos per thousand, on each thousand, seven pesos.

(b) Cigarettes—

(1) When the manufacturer's or importer's wholesale price, less the amount of the tax, is four pesos or less per thousand, on each thousand, one peso and thirty centavos.

(2) When the manufacturer's or importer's wholesale price, less the amount of the tax, is more than four pesos but not more than six pesos per thousand, on each thousand, three pesos.

(3) When the manufacturer's or importer's wholesale price, less the amount of the tax, exceeds six pesos per thousand, on each thousand, four pesos.

The maximum price at which the various classes of cigars and cigarettes are sold at wholesale in the factory or in the establishment of the importer to any member of the public shall determine the rate of the tax applicable to such cigars and cigarettes; and if the manufacturer or importer also sells, or allows to be sold, his cigars and cigarettes at wholesale in another establishment of which he is the owner or in the profits of which he has an interest, the maximum sale price in such establishment shall determine the rate of the tax applicable to the cigars and cigarettes therein sold.

Every manufacturer or importer of cigars and cigarettes shall file with the Collector of Internal Revenue, on the date or dates designated by the latter; a sworn statement of the maximum wholesale prices of cigars and cigarettes, and it shall be unlawful to sell said cigars and cigarettes at wholesale at a price in excess of the one specified in the statement required by this Title without previous written notice to said Collector of Internal Revenue.

SEC. 138. *Specific tax on matches.*—On matches there shall be collected:

(a) On each gross of boxes containing not more than eighty sticks to the box, forty centavos;

(b) On each gross of boxes containing over eighty sticks to the box, a proportionate additional tax.

SEC. 139. *Specific tax on mechanical lighters.*—On every mechanical lighter, there shall be collected a tax of forty centavos. The term "mechanical lighter" includes any mechanical or chemical contrivance for causing ignition which is portable and which operates by producing a spark or flame whether by itself or when brought into contact with electric current or gas, and includes also a mechanical lighter issued from a manufactory in an incomplete state or requiring for its completion the addition of a flint.

SEC. 140. *Specific tax on firecrackers.*—On all firecrackers, there shall be collected for each kilogram a tax of forty centavos.

SEC. 141. *Specific tax on skimmed milk.*—On all condensed skimmed milk and on all skimmed milk, in whatever form, from which the cream has been removed entirely or

in part, sold in the Philippines, there shall be collected for each kilogram of the gross weight of said milk and container, twenty centavos.

SEC. 142. *Specific tax on manufactured oils and other fuels.*—On refined and manufactured mineral oils and motor fuels, there shall be collected the following taxes:

(a) Kerosene or petroleum, per liter of volume capacity, one and one-half centavos;

(b) Lubricating oils, per liter of volume capacity, four centavos;

(c) Naphtha, gasoline, and all other similar products of distillation, per liter of volume capacity, five centavos; and

(d) On denatured alcohol to be used for motive power, per liter of volume capacity, one-half centavo: *Provided*, That if the denatured alcohol is mixed with gasoline the specific tax on which has already been paid, only the alcohol content shall be subject to the tax herein prescribed. For the purposes of this sub-section, the removal of denatured alcohol of not less than one hundred eighty degrees proof (ninety *per centum* absolute alcohol) shall be deemed to have been removed for motive power, unless shown to the contrary.

Whenever the above-mentioned oils are used in aviation, the specific tax thereon shall be refunded by the Collector of Internal Revenue upon the submission of a sworn certificate satisfactory to him proving that the said oils were actually used in aviation.

SEC. 143. *Specific tax on coal.*—On all coal and coke, there shall be collected, per metric ton, twenty-five centavos.

SEC. 144. *Specific tax on bunker fuel oil.*—On fuel oil, commercially known as bunker fuel oil, and on all similar fuel oils, having more or less the same generating power, there shall be collected, per metric ton, forty centavos.

SEC. 145. *Specific tax on Diesel fuel oil.*—On fuel oil, commercially known as Diesel fuel oil, and on all similar fuel oils, having more or less the same generating power, there shall be collected, per metric ton, eighty centavos.

SEC. 146. *Specific tax on cinematographic films.*—There shall be collected, once only, on each cinematographic film

(not including cinematographic films of sixteen millimeters or less in width) imported into or manufactured in the Philippines a tax of five centavos per linear meter.

This tax shall not be collected on any taxpaid cinematographic film subsequently returned to the Philippines or on any negative film or unprinted positive film, and any taxes heretofore paid on cinematographic films so returned or on any negative films or unprinted positive films shall be refunded subject to the provisions of section 309.

SEC. 147. *Specific tax on playing cards.*—(a) On each pack of cards containing not more than fifty-eight cards, there shall be collected a tax of thirty-five centavos: *Provided, however,* that when the size of playing cards is two and one-half centimeters by six centimeters or less, there shall be collected a tax of twenty centavos on each pack containing not more than fifty-eight cards.

(b) On each pack containing more than fifty-eight cards, there shall be collected the tax established in subsection (a) and a proportionate additional tax on the number in excess of fifty-eight.

SEC. 148. *Specific tax on saccharine.*—On saccharine, there shall be collected a tax of sixty pesos per kilogram.

CHAPTER II.—*Administrative provisions regulating business of persons dealing in articles subject to specific tax.*

SEC. 149. *Extent of supervision over establishments producing taxable output.*—The Bureau of Internal Revenue has authority to supervise establishments where articles subject to a specific tax are made or kept. The Secretary of Finance shall prescribe regulations as to the mode in which the processes of production shall be conducted in so far as may be necessary to secure a sanitary output and to safeguard the revenue.

SEC. 150. *Records to be kept by manufacturers.*—*Assessment based thereon.*—The Secretary of Finance is authorized to prescribe, by regulations, the records which shall be kept by manufacturers of articles subject to specific tax, and such records, whether of raw materials received

into the factory or of articles produced therein, shall be deemed public and official documents for all purposes.

The records of raw materials kept by such manufacturers may be used as a species of evidence by which to determine the amount of specific taxes due from them, and whenever the amount of raw materials received into any factory exceeds the amount of manufactured or partially manufactured products on hand and lawfully removed from the factory, plus waste removed or destroyed, and a reasonable allowance for unavoidable loss in manufacture, the Collector of Internal Revenue may assess and collect the tax due on the products which should have been produced from the excess.

SEC. 151. *Premises subject to approval by Collector.*—No person shall engage in business as a manufacturer of or dealer in articles subject to a specific tax unless the premises upon which the business is to be conducted shall have been approved by the Collector of Internal Revenue.

SEC. 152. *Labels and form of packages.*—All articles of domestic manufacture subject to a specific tax and all leaf tobacco shall be put up and prepared by the manufacturer or producer, when removed for sale or consumption, in such packages only and bearing such marks or brands as shall be prescribed in the regulations of the Department of Finance; and goods of similar character imported into the Philippines shall likewise be packed and marked in such manner as may be required.

SEC. 153. *Removal of articles after payment of tax.*—When the tax has been paid on articles or products subject to a specific tax the same shall not thereafter be stored or permitted to remain in the distillery, distillery warehouse, bonded warehouse, or other factory or place where produced.

SEC. 154. *Storage of goods in internal-revenue bonded warehouse.*—An internal-revenue bonded warehouse may be maintained in any port of entry for the storing of imported or manufactured goods which are subject to a specific tax. The taxes on such goods shall be payable only upon removal from such warehouse, and a reasonable charge

shall be made for their storage therein. The Collector of Internal Revenue may, in his discretion, exact a bond to secure the payment of the tax on any goods so stored.

SEC. 155. *Proof of exportation—Exporter's bond.*—Exporters of goods that would be subject to a specific tax if sold or removed for consumption in the Philippines shall submit proof of exportation satisfactory to the Collector of Internal Revenue, and, when the same is deemed necessary, shall be required to give a bond prior to the removal of the goods for shipment, conditioned upon the exportation of the same in good faith.

SEC. 156. *Manufacturers' and importers' bonds.*—Manufacturers and importers of articles subject to a specific tax shall give bond in an amount equal, as nearly as can be estimated, to twenty *per centum* of the taxes payable by them during an average year. Such bond shall be conditioned upon the faithful compliance, during the time such business is followed, with the law and regulations relating to such business and for the satisfaction of all fines and penalties imposed by this Code. No such bond shall be required in an amount exceeding fifty thousand pesos nor be received in a sum less than one thousand pesos.

SEC. 157. *Records to be kept by wholesale dealers.*—Wholesale dealers shall keep records of their purchases and sales or deliveries of articles subject to a specific tax, in such form as shall be prescribed in the regulations of the Department of Finance. These records and the entire stock of goods subject to tax shall be subject at all times to the inspection of internal-revenue officers.

SEC. 158. *Records to be kept by dealers in leaf tobacco.*—Dealers in leaf tobacco shall keep records of the product sold or delivered by them to other persons in such manner as may be prescribed in the regulations of the Department of Finance, such records to be at all times subject to the inspection of internal-revenue officers.

SEC. 159. *Preservation of invoices and stamps.*—All dealers whosoever shall preserve for the period prescribed in section 337 all official invoices received by them from

other dealers or from manufacturers, together with the fractional parts of stamps affixed thereto, if any, and upon demand shall deliver or transmit the same to any internal-revenue officer.

SEC. 160. *Information to be given by manufacturers or importers of any apparatus or mechanical contrivance specifically for the manufacture of articles subject to specific tax.*—Manufacturers and importers of any apparatus or mechanical contrivance specifically for the manufacture of articles subject to specific tax shall, before any such apparatus or mechanical contrivance is removed from the place of manufacture or from the customhouse, give written information to the Collector of Internal Revenue as to the nature and capacity of the same, the time when it is to be removed, and the place for which it is destined, as well as the name of the person by whom it is to be used; and such apparatus or mechanical contrivance shall not be set up without a permit in writing from the Collector of Internal Revenue.

SEC. 161. *Establishment of distillery warehouses.*—Every distiller, when so required by the Collector of Internal Revenue, shall provide at his own expense a warehouse, to be situated on and to constitute a part of his distillery premises and to be used only for the storage of distilled spirits of his own manufacture until the tax thereon shall have been paid; but no dwelling house shall be used for such purpose. Such warehouse, when approved by the Collector of Internal Revenue, is declared to be a bonded warehouse, to be known as a distillery warehouse.

SEC. 162. *Custody of distillery or distillery warehouse.*—Every distillery or distillery warehouse shall be in the joint custody of the storekeeper, if one is assigned thereto, and of the proprietor thereof. It shall be kept securely locked, and shall at no time be unlocked or opened or remain unlocked or open unless in the presence of such storekeeper or other person who may be designated to act for him as provided by law.

SEC. 163. *Limitation on quantity of spirits removed from warehouse.*—No distilled spirits shall be removed from

any distillery, distillery warehouse, or bonded warehouse in quantities of less than fifteen gauge liters at any one time, except bottled goods, which may be removed by the case of not less than twelve bottles.

SEC. 164. *Requirements incident to process of denaturing alcohol.*—Where alcohol is withdrawn for denaturing for use in the arts and industries, or as motor fuel, the process of denaturing shall be effected either on the distillery premises or in a bonded warehouse designated by the Collector of Internal Revenue for denaturing purposes only. To such warehouses alcohol may be transferred under bond and under conditions prescribed in the regulations of the Department of Finance.

SEC. 165. *Recovery of alcohol for use in arts and industries.*—Manufacturers employing processes in which denatured alcohol used in arts and industries is expressed or evaporated from the articles manufactured may, under regulations to be prescribed by the Department of Finance, be permitted to recover the alcohol so used and restore it again to a condition suitable solely for use in manufacturing processes.

SEC. 166. *Requirements governing rectification and compounding of liquors.*—Persons engaged in the rectification or compounding of liquors shall, as to the mode of conducting their business and supervision over the same, be subject to all the requirements of law applicable to distilleries: *Provided*, That where a rectifier makes use of spirits upon which the specific tax has been paid no further tax shall be collected on any rectified spirits produced exclusively therefrom: *And provided, further*, That compounders, in the manufacture of any intoxicating beverage whatever, shall not be allowed to make use of spirits upon which the specific tax has not been previously paid.

SEC. 167. *Authority of internal-revenue officer in searching for taxable articles.*—Any internal-revenue officer may in the discharge of his official duties enter any house, building, or place where articles subject to tax under this Title are produced or kept, or are believed by him upon reason-

able grounds to be produced or kept, so far as may be necessary to examine, discover, or seize the same.

He may also stop and search any vehicle or other means of transportation when upon reasonable grounds he believes that the same carries any article on which the specific tax has not been paid.

SEC. 168. *Detention of package containing taxable articles.*—Any revenue officer may detain any package containing or supposed to contain articles subject to a specific tax when he has good reason to believe that the lawful tax has not been paid or that the package has been or is being removed in violation of law, and every such package shall be held by such officer in a safe place until it shall be determined whether the property so detained is liable by law to be proceeded against for forfeiture; but such summary detention shall not continue in any case longer than seven days without process of law or intervention of the officer to whom such detention is to be reported.

SEC. 169. *Inscription to be placed on skimmed milk.*—All condensed skimmed milk and all milk, in whatever form, from which the fatty part has been removed totally or in part, sold or put on sale in the Philippines shall be clearly and legibly marked on its immediate containers, and in all the languages in which such containers are marked, with the words, "This milk is not suitable for nourishment for infants less than one year of age", or with other equivalent words.

CHAPTER III.—*Penal Provisions*

SEC. 170. *Unlawful practices relative to payment of specific taxes.*—Any person who, without express authority from the Collector of Internal Revenue, makes, imports, sells, uses, or possesses any die for printing or making internal-revenue stamps, labels, tags, or playing cards shall be punished by a fine of not less than three hundred pesos nor more than five thousand pesos or by imprisonment for a term of not less than three months nor more than five years, or both.

Any person who erases the cancellation marks on any internal-revenue stamp which has been previously used or who alters the written or printed figures or letters or cancellation marks on any internal-revenue stamp previously used, or who has in his possession any false, counterfeit, restored, or altered internal-revenue stamp, label, or tag for the purpose of using the same in the payment of specific taxes or in securing any exemption or privilege conferred by this Title, or who procures the commission of any such offense by another, shall be fined in a sum of not less than three hundred pesos nor more than five thousand pesos or imprisoned for a term of not less than three months nor more than five years, or both.

Any person who gives away or accepts from another, or who sells, buys, or uses any container on which the stamps or labels are not utterly destroyed shall for each such offense be fined in a sum of not less than fifty pesos nor more than five hundred pesos or imprisoned for a term not exceeding seven months, or both.

Any internal-revenue officer may destroy any emptied container upon which an internal-revenue stamp or official tax-paid label is found still undestroyed.

SEC. 171. *Unlawful use of denatured alcohol.*—Any person who, for the purpose of manufacturing any beverage, uses denatured alcohol or alcohol withdrawn under bond for industrial uses, or who knowingly sells any beverage made in whole or in part from such alcohol, or who uses such alcohol for the manufacture of liquid medicinal preparations, or knowingly sells such preparations containing as an ingredient such alcohol, shall on conviction be fined not more than one thousand pesos or be imprisoned for not more than one year, or both.

Any person who shall unlawfully recover or attempt to recover by redistillation or other process any denatured alcohol or who knowingly uses, sells, conceals, or otherwise disposes of alcohol so recovered or redistilled shall be subject to the same penalty as above provided.

SEC. 172. *Forfeiture of goods illegally stored or removed.*—All articles subject to a specific tax which are

stored or allowed to remain in a distillery, distillery warehouse, bonded warehouse, or other place where made, after the tax thereon has been paid, shall be forfeited; and all such articles unlawfully removed from any such place without the payment of the required tax shall likewise be forfeited.

SEC. 173. *Forfeiture of property used in unlicensed business, or of dies used for printing false stamps, etc.*—All chattels, machinery, and removable fixtures of any sort used in the production of articles subject to specific tax when the required tax has not been paid for such business, shall be forfeited.

Dies used for the printing or making of any internal-revenue stamp, label, or tag which is in imitation of or purports to be a lawful stamp, label, or tag shall also be forfeited.

SEC. 174. *Unlawful possession or removal of articles subject to specific tax without payment of tax.*—Any person who is found in possession of articles subject to specific tax, the tax on which has not been paid in accordance with law, shall be punished by a fine of not less than three times the amount of the specific tax due on the articles found but not less than two hundred pesos nor more than five thousand pesos or by imprisonment of from four months and one day to four years and two months, or both. Any manufacturer, owner, or person in charge of any article subject to a specific tax who removes or allows or procures the unlawful removal of any such article from the place of manufacture or bonded warehouse, upon which article the specific tax has not been paid in the time and manner required, and any person who knowingly aids or abets in the removal of such articles as aforesaid, or conceals the same after illegal removal, shall for the first offense be punished by a fine of not less than five times the amount of the specific tax due on the articles removed, but not less than five hundred pesos nor more than ten thousand pesos or by imprisonment of not less than six months and one day but not more than six years, or both.

Every manufacturer so offending shall, before continuing or resuming business, execute a bond in double the amount of his original bond and containing the same conditions.

SEC. 175. *Punishment for subsequent offense.*—In case of reincidence, the offender under the preceding section shall be punished by a fine of not less than ten times the amount of the specific tax due on the articles found or removed, but not less than one thousand pesos nor more than twenty thousand pesos or by imprisonment of from one year and one day to eight years, or both; and if the offense be committed by the owner or the manufacturer, or with his connivance, the factory and the ground upon which it stands, including the machinery and apparatus used in and about the business, shall be forfeited.

SEC. 176. *Shipment of liquor or tobacco under false name or brand.*—Any person who ships, transports, or removes spirituous or fermented liquors, wines, or tobacco under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the cask or package containing the same, or causes such act to be done, shall be subject to a fine of five hundred pesos, and in addition the article or articles so transported or removed shall be forfeited.

SEC. 177. *Illegal sale of skimmed milk.*—Any person who sells or puts on sale in the Philippines any condensed skimmed milk or milk from which the fat has been removed totally or in part, on which the specific tax has not been fully paid, or which does not bear the legend provided for therein, shall, upon conviction thereof, be punished by a fine of not exceeding six hundred pesos or by imprisonment not exceeding six months, or both.

TITLE V.—PRIVILEGE TAXES ON BUSINESS AND OCCUPATION

CHAPTER I.—*Tax on Business*

SEC. 178. *Payment of privilege taxes.*—A privilege tax must be paid before any business or occupation hereinafter specified can be lawfully begun or pursued. The tax on business is payable for every separate or distinct establish-

ment or place where business subject to the tax is conducted; and one occupation or line of business does not become exempt by being conducted with some other occupation or business for which such tax has been paid.

The occupation tax must be paid by each individual engaged in a calling subject thereto; the tax on a business, by the person, firm, or company conducting the same.

SEC. 179. *Legality of business as affected by payment of tax.*—The payment of a business or occupation tax shall not exempt any person from any tax, penalty, or punishment provided by law or ordinance in places where such business or occupation is prohibited or regulated by municipal law, nor shall the payment of any such tax be held to prohibit any municipality from placing a tax upon the same business or occupation, for local purposes, where the imposition of such tax is authorized by law.

SEC. 180. *Time for payment of fixed taxes.*—The yearly fixed taxes are due on the first of January of each year, and, if tendered in semi-annual installments, on or before the twentieth of January and July, or if in quarterly installments, on or before the twentieth of January, April, July, and October, or on or before the last day of said months, in remote provinces, in the discretion of the Collector of Internal Revenue, shall be received without penalty. But any person first beginning a business or occupation must pay the tax before engaging therein.

SEC. 181. *Reckoning of tax for business first begun or abandoned during year.*—When an occupation or business subject to a fixed tax is newly begun during any year the tax shall be reckoned from the commencement of the current semester or quarter, or, in case of a business subject to a monthly tax, from the first of the month; and when either is at any time abandoned, the tax shall not be exacted for a longer period than to the end of the semester, quarter, or month, as the case may be.

SEC. 182. *Fixed tax upon business.*—Unless otherwise provided, every person engaging in a business on which the percentage tax is imposed shall pay in full a fixed annual tax of ten pesos for each calendar year or fraction thereof in which such person shall engage in said business.

Every person who is not required to pay the percentage tax prescribed in sections 184, 185, 186 and 187 shall pay in full for each calendar year or fraction thereof in which such person shall engage in business a fixed annual tax based upon his gross annual sales during the preceding calendar year, as follows:

Four pesos, if the amount of the gross annual sales exceeds two thousand pesos but does not exceed ten thousand pesos;

Ten pesos, if the amount of the gross annual sales exceeds ten thousand pesos but does not exceed twenty-five thousand pesos;

Twenty pesos, if the amount of the gross annual sales exceeds twenty-five thousand pesos but does not exceed fifty thousand pesos;

Fifty pesos, if the amount of the gross annual sales exceeds fifty thousand pesos but does not exceed one hundred thousand pesos;

One hundred pesos, if the amount of the gross annual sales exceeds one hundred thousand pesos but does not exceed two hundred thousand pesos;

Two hundred pesos, if the amount of the gross annual sales exceeds two hundred thousand pesos but does not exceed five hundred thousand pesos; and

Three hundred pesos, if the amount of the gross annual sales exceeds five hundred thousand pesos: *Provided*, That if a merchant is engaged in two or more businesses, one or more of which is subject to, and the others exempt from, the percentage tax, he shall pay the graduated fixed annual tax provided above, based on the sales not subject to the percentage tax under this Title. -

This tax shall be payable before the person subject to the same begins to engage in the business, and thereafter within the regulation period in the month of January during which the other fixed privilege taxes may be paid without penalty.

The following shall be exempt from the tax imposed in this section:

(a) Small merchants whose gross annual sales do not exceed two thousand pesos.

(b) All persons engaged in the sale of food products, cooked foods, or refreshments at retail in public market places whose gross annual sales do not exceed twenty thousand pesos and all persons engaged in public market places exclusively in the sale at retail of domestic meat, fruits, vegetables, game, poultry, fish, and other domestic food products.

(c) Peddlers and sellers at fixed stands and other similar selling places engaged exclusively in the sale at retail of domestic meat, fruits, vegetables, game, poultry, fish, and similar domestic food products, whose total stock in trade on any one day does not reach a retail value of fifty pesos.

(d) Producers of commodities of all classes working in their own homes, consisting of parents and children living as one family, when the value of each day's production by each person capable of working is not in excess of five pesos.

(e) Owners of animal-drawn two-wheeled vehicles.

(f) Owners of bancas.

SEC. 183. *Payment of percentage taxes—Quarterly report of earnings or value of output.*—The percentage taxes on business shall be payable at the end of each calendar quarter in the amount lawfully due on the business transacted during each quarter; and it shall be the duty of every person conducting a business on which a percentage tax is imposed under this Title, within twenty days after the end of each calendar quarter, to make a true and complete return of the amount of the gross sales, receipts, or earnings, or gross value of output actually removed from the factory or mill warehouse, during the preceding calendar quarter and pay the tax due thereon: *Provided*, That it shall be the duty of any person retiring from a business subject to the percentage tax to notify immediately the nearest internal-revenue officer thereof and, within ten days after closing his business, file his return or declaration, and pay the tax due thereon.

If the percentage tax on any business is not paid within the time prescribed above, the amount of the tax shall be increased by twenty-five *per centum*, the increment to be a part of the tax.

In case a false or fraudulent return is made, there shall be added to the tax or to the deficiency tax, in case any payment has been made on the basis of such return before the discovery of the falsity or fraud, a surcharge of fifty *per centum* of its amount. The amount so added to any tax shall be collected at the same time and in the same manner and as part of the tax unless the tax has been paid before the discovery of the falsity or fraud, in which case the amount so added shall be collected in the same manner as the tax.

SEC. 184. Percentage tax on sales of jewelry, automobiles, toilet preparations, and others.—There is levied, assessed and collected once only on every original sale, barter, exchange, or similar transaction intended to transfer ownership of, or title to, the articles hereinbelow enumerated, a tax equivalent to ten *per centum* of the gross selling price or gross value in money of the articles so sold, bartered, exchanged, or transferred, such tax to be paid by the manufacturer, producer, or importer: *Provided*, That where the articles are manufactured out of materials subject to tax under this section, the total cost of such materials, as duly established, shall be deductible from the gross selling price or gross value in money of the manufactured articles: *And provided, further*, That where the articles herein mentioned are consigned abroad by the manufacturer or producer thereof, the shipment shall be subject to the tax established in section 187 and not to the tax imposed by this section:

(a) All articles commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semi-precious stones, and imitations thereof; articles made of, or ornamented, mounted or fitted with, precious metals or imitations thereof or ivory (not including surgical instruments or silver-plated ware, or frames or mountings for spectacles or eyeglasses); opera glasses; and lorgnettes.

(b) Automobile chassis and bodies, the selling price of which exceeds two thousand five hundred pesos each. A sale of automobile shall, for the purposes of this section, be considered to be a sale of the chassis and of the body together with parts and accessories of which the same are usually equipped.

(c) Perfumes, essences, extracts, toilet matters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, and any similar substance, article, or preparation, by whatsoever name known or distinguished, except tooth and mouth washes, dentifrices, tooth pastes, and talcum or medicated toilet powders; and any of the above which are used or applied or intended to be used or applied for toilet purposes: *Provided*, That the tax herein imposed shall not apply to toilet preparation on which the specific tax established in section 127 has been paid.

SEC. 185. *Percentage tax on sales of automobiles, sporting goods, refrigerators, musical instruments, and others.*—There is levied, assessed, and collected once only on every original sale, barter, exchange, or similar transaction intended to transfer ownership of, or title to, the articles hereinbelow enumerated, a tax equivalent to five *per centum* of the gross selling price or gross value in money of the articles so sold, bartered, exchanged or transferred, such tax to be paid by the manufacturer, producer, or importer: *Provided*, That where the articles are manufactured out of materials subject to tax under this section and section 186 the total cost of such materials, as duly established, shall be deductible from the gross selling price or gross value in money of the manufactured articles: *And provided, further*, That where the articles herein mentioned are consigned abroad by the manufacturer or producer thereof, the shipment shall be subject to the tax established in section 187 and not to the tax imposed by this section:

(a) Automobile chassis and bodies, the selling price of which does not exceed two thousand five hundred pesos each. A sale of automobile shall, for the purposes of this

section, be considered to be a sale of the chassis and of the body together with parts and accessories with which the same are usually equipped;

(b) Watches and clocks, the value of which exceeds twenty pesos each, marine glasses, field glasses, binoculars, cameras, camera lenses, and cinematographic films of not more than sixteen millimeters in width;

(c) Polo mallets and balls; golf bags, clubs and balls; fishing rods and reels; chess and checker boards and pieces; dice; and mahjong sets;

(d) Beauty parlor equipment;

(e) Household type refrigerators (for single or multiple cabinet installations) operated with electricity, gas, kerosene, or other means;

(f) Musical instruments, phonographs, combination radio and phonograph sets, and phonograph records; and

(g) Cartridges or other forms of ammunition, (except those for caliber .22 firearms): *Provided, however,* That no tax shall be collected on cartridges or other forms of ammunition sold and delivered directly to the Philippine Constabulary or Philippine Army for their actual use or issue.

SEC. 186. *Percentage tax on sales of other articles.*—There is levied, assessed, and collected once only on every original sale, barter, exchange, and similar transaction intended to transfer ownership of, or title to, the articles not enumerated in sections 184 and 185 a tax equivalent to three and one-half *per centum* of the gross selling price or gross value in money of the articles so sold, bartered, exchanged, or transferred, such tax to be paid by the manufacturer, producer, or importer: *Provided,* That where the articles are manufactured out of materials subject to tax under this section, the total cost of such materials as duly established, shall be deductible from the gross selling price or gross value in money of the manufactured articles: *And provided, further,* That where the said articles are consigned abroad by the manufacturer or producer thereof, the shipment shall be subject to the tax established in section 187 and not to the tax imposed by this section.

SEC. 187. *Percentage tax on consignments abroad.*—Every person, whether he is a merchant or not, and not herein specifically exempted, shall pay a tax of one and one-half *per centum* of the gross value in money of the commodities, goods, wares, and merchandise consigned abroad by him, such tax to be based on the actual selling price or value of the things in question at the time they are consigned abroad, whether consisting of raw materials or of manufactured or partially manufactured products or whether of domestic or foreign origin: *Provided*, That the tax prescribed in this section shall not be imposed on articles upon which the tax prescribed in sections 184, 185, 186, and 189 has previously been paid. The tax upon things consigned abroad shall be refunded upon satisfactory proof of the return thereof to the Philippines unsold, subject to the limitation established in section 309 of this Code.

SEC. 188. *Transactions not subject to percentage tax.*—In computing the tax imposed in sections 184, 185, and 186, transactions in the following commodities shall be excluded:

(a) Things subject to tax under Title IV of this Code.

(b) Agricultural products and the ordinary salt when sold, bartered, or exchanged in this country, whether in their original state or not: *Provided*, That in the case of hemp, whether stripped or unstripped, sugar cane, unhusked rice or *palay*, coconut, corn, and copra, no tax shall be collected except when they are consigned abroad, in which case the tax prescribed in section 187 shall be due and payable, irrespective of whether the consignor is the producer thereof or not, or whether or not he is a merchant.

(c) Minerals and mineral products when sold or consigned abroad by the lessee, concessionaire, or owner of the mineral land from which removed.

(d) Articles imported into the Philippines and reexported from the same in their original condition by the importer.

SEC. 189. *Percentage tax upon proprietors or operators of rope factories, sugar centrals, rice mills, coconut oil mills, corn mills, and desiccated coconut factories.*—Proprietors or operators of rope factories, sugar centrals, rice mills, coconut oil mills, corn mills, and desiccated coconut factories shall pay a tax equivalent to one and one-half *per centum* of the gross value in money of all the rope, sugar, rice, coconut oil, grounded or milled corn, and desiccated coconut manufactured or milled by them, including the derivatives, products, and by-products of the raw materials from which the said articles are produced or manufactured, when these derivatives, products, and by-products constitute sixty *per centum* or more by weight or value of the raw materials mentioned above, such tax to be based on the actual selling price or market value of these articles at the time they leave the factory or mill warehouse: *Provided, however,* That in case the raw materials are manufactured or milled in pursuance of a contract whereby the factory, central, or mill receives a share of the finished product, the tax on the share pertaining to the planter or owner of the raw materials shall be charged to the planter or owner and withheld by the proprietor or operator of the factory, central, or mill and paid by him to the Collector of Internal Revenue: *And provided, further,* That on sugar sold to the refinery mill for the production of refined sugar, "wash-sugar," or beet sugar, the tax shall not be paid by the central but shall be paid by the refinery mill upon local sale or consignment abroad.

SEC. 190. *Compensating tax.*—All persons purchasing or receiving from without the Philippines any commodities, goods, wares, or merchandise, excepting those subject to specific taxes under Title IV of this Code, shall pay on the total value thereof at the time they are received by such persons, including freight, postage, insurance, commission, and all similar charges, a compensating tax equivalent to the percentage tax imposed under this Title on original transactions effected by merchants, importers, or manufacturers, such tax to be paid upon the withdrawal or removal of said commodities, goods, wares, or merchandise from the customhouse or the post office: *Provided, however,*

That merchants, importers, and manufacturers, who are subject to tax under sections 184, 185, 186, 187, and 189 of this Title shall not be required to pay the tax herein imposed where the articles purchased or received by them from without the Philippines are to be resold, bartered, or exchanged, or used in connection with their business.

SEC. 191. *Percentage tax on road, building, irrigation, artesian well, waterworks, and other construction work contractors, proprietors or operators of dockyards, and others.*—Road, building, irrigation, artesian well, waterworks, and other construction work contractors; filling contractors; persons engaged in the installation of gas, or electric light, heat, or power; persons selling light, heat, or power, except those paying a franchise tax; proprietors or operators of dockyards, mine drilling apparatus, smelting plants, engraving plants, plating establishments, dry-cleaning or dyeing establishments, steam laundries, photographic studios, telephone or telegraph lines or exchanges, broadcasting or wireless stations, funeral parlors, shops for the construction or repair of bicycles or vehicles of any kind, mechanical devices, instruments, apparatus, or furniture of any kind, and tailor shops; dressmakers; milliners; hatters; keepers of hotels, lodging houses, restaurants, cafés or refreshment parlors; stevedores; warehousemen; plumbers; smiths; house or sign painters; lithographers; publishers, except those engaged in the publication or printing and publication of any newspaper, magazine, review, or bulletin which appears at regular intervals, with fixed prices for subscription and sale, and which is not devoted principally to the publication of advertisements; printers; and bookbinders, shall pay a tax equivalent to one and one-half *per centum* of their gross receipts: *Provided*, That contractors or others whose gross receipts do not exceed two hundred pesos each quarter shall be exempt from the payment of the tax provided for in this section.

SEC. 192. *Percentage tax on carriers and keepers of garages.*—Keepers of garages, transportation contractors, persons who transport passengers or freight for hire, and

common carriers by land, air, or water, except owners of boats taxed under the laws administered by the Bureau of Customs, owners of bancas, and owners of animal-drawn two-wheeled vehicles, shall pay a tax equivalent to one and one-half *per centum* of their gross receipts: *Provided*, That those whose gross receipts do not exceed two hundred pesos each quarter shall be exempt from the payment of the tax provided for in this section.

SEC. 193. *Amount of tax on business.*—Fixed taxes on business shall be collected as follows, the amount stated being for the whole year, when not otherwise specified:

(a) Brewers, four hundred pesos.

(b) Distillers of spirits, fifty pesos, if the annual production does not exceed fifty thousand gauge liters; one hundred pesos, if the annual production exceeds fifty thousand gauge liters but does not exceed one hundred thousand gauge liters; two hundred pesos, if the annual production exceeds one hundred thousand gauge liters but does not exceed two hundred fifty thousand gauge liters; and three hundred pesos, if the annual production exceeds two hundred fifty thousand gauge liters; rectifiers of distilled spirits, compounders, and repackers of wines or distilled spirits, three hundred pesos.

(c) Wholesale peddlers of distilled, manufactured, or fermented liquor, one hundred and twenty pesos.

(d) Wholesale peddlers of manufactured tobacco, eighty pesos.

(e) Retail peddlers of distilled, manufactured, or fermented liquor, sixty pesos.

(f) Retail peddlers of manufactured tobacco, sixteen pesos.

(g) Wholesale liquor dealers—

1. In the City of Manila, four hundred pesos.

2. In any other place, one hundred and twenty pesos.

(h) Wholesale dealers in fermented liquors, except *basi*, *tuba* and *tapuy*, one hundred and twenty pesos.

(i) Retail liquor dealers, sixty pesos.

(j) Retail vino dealers, twelve pesos.

(k) Retail dealers in fermented liquors, thirty pesos.

(l) Retail leaf tobacco dealers, thirty pesos.

(m) Manufacturers of tobacco and manufacturers of cigars or cigarettes, twenty pesos.

(n) Tobacco dealers, eight pesos.

(o) Manufacturers or importers of playing cards, eighty pesos.

(p) Manufacturers, producers, or importers of soft drinks or mineral waters, fifty pesos.

(q) Stockbrokers, real estate brokers, commercial brokers, customs brokers, and immigration brokers, eighty pesos.

(r) Owners of race tracks, for each day on which races are run on any track, three hundred pesos.

(s) Lending investors—

1. In chartered cities and first-class municipalities, two hundred pesos;

2. In second-class municipalities, one hundred and fifty pesos;

3. In third-class municipalities, one hundred pesos; and

4. In fourth and fifth-class municipalities and municipal districts, fifty pesos: *Provided*, That lending investors who do business as such in more than one province shall pay a tax of two hundred pesos.

(t) Business agents (*agentes de negocios*), forty pesos.

SEC. 194. *Words and phrases defined.*—In applying the provisions of the preceding section, words and phrases shall be taken in the sense and extension indicated below:

(a) "Brewer" comprises all persons who manufacture fermented liquors of any description for sale or delivery to others, but does not include manufacturers of *tuba*, *basi*, or *tapuy*, or similar domestic fermented liquors whose daily production does not exceed two hundred gauge liters.

(b) "Distiller of spirits" comprises all who distill spirituous liquors by original and continuous distillation from mash, wort, wash, sap, or sirup through continuous closed vessels and pipes until the manufacture thereof is complete.

(c) "Rectifier" comprises every person who rectifies, purifies, or refines distilled spirits or wines by any process other than by original and continuous distillation from mash, wort, wash, sap, or sirup through continuous closed

vessels and pipes until the manufacture thereof is complete. Every wholesale or retail liquor dealer who has in his possession any still or mash tub, or who keeps any other apparatus for the purpose of distilling spirits or in any manner refining distilled spirits, shall also be regarded as a rectifier and as being engaged in the business of rectifying.

(d) "Compounder" comprises every person who, without rectifying, purifying, or refining distilled spirits, shall, by mixing such spirits, wine, or other liquor with any materials except water, manufacture any intoxicating beverage whatever.

(e) "Repacker of wines or distilled spirits" includes all persons who remove wines or distilled spirits from the original container for repacking and selling the same at wholesale.

(f) "Peddler" means any person who either for himself or on commission travels from place to place in town or country and sells his goods or offers to sell and deliver the same. Whether a peddler is a wholesale peddler or a retail peddler of a particular commodity, shall be determined from the definitions of wholesale dealer and retail dealer, as hereinbelow given in connection with the particular commodity peddled. A wholesale peddler of manufactured tobacco is one who sells for the purpose of resale.

(g) "Wholesale liquor dealer" comprehends every person who for himself or on commission sells or offers for sale wines or distilled spirits (other than denatured alcohol) in larger quantities than five liters at any one time, or who sells or offers the same for sale for the purpose of resale, irrespective of quantity.

(h) "Wholesale dealer in fermented liquors" means any one who for himself or on commission sells or offers for sale fermented liquors in larger quantities than five liters at any one time, or who sells or offers for sale such fermented liquors (excluding *tuba*, *basi*, *tapuy*, and similar domestic fermented liquors) for the purpose of resale, regardless of quantity.

(i) "Retail liquor dealer" includes every person, except a retail vino dealer, who for himself or on commission sells or offers for sale wine or distilled spirits (other than de-

natured alcohol) in quantities of five liters or less at any one time and not for resale.

(j) "Retail vino dealer" includes every person who for himself or on commission sells or offers for sale only domestic distilled spirits in quantities of five liters or less at any one time and not for resale.

(k) "Retail dealer in fermented liquors" includes every person, except retail dealers in *tuba*, *basi*, and *tapuy*, who for himself or on commission sells or offers for sale fermented liquors in quantities of five liters or less at any one time and not for resale.

(l) "Retail leaf tobacco dealer" includes every person who for himself or on commission sells leaf tobacco or offers the same for sale to any person except a registered dealer in leaf tobacco or a manufacturer of cigars, cigarettes, or manufactured tobacco; but the term does not include a planter or producer so far as concerns the sale of leaf tobacco of his own production.

(m) "Manufacturer of tobacco" includes every person whose business it is to manufacture tobacco or snuff, or who employs others to manufacture tobacco or snuff, whether such manufacture be by cutting, pressing, grinding, or rubbing any raw or leaf tobacco, or otherwise preparing raw or leaf tobacco, or manufactured or partially manufactured tobacco and snuff, or putting up for consumption scraps, refuse, or stems of tobacco resulting from any process of handling tobacco stems, scraps, clippings, or waste by sifting, twisting, screening, or by any other process.

(n) "Manufacturer of cigars or cigarettes" includes those whose business it is to make or manufacture cigars or cigarettes or both for sale or who employ others to make or manufacture cigars or cigarettes for sale; but the term does not include artisans or apprentices employed to make cigars or cigarettes from material supplied by the employer, the latter being lawfully engaged in the manufacture of cigars and cigarettes.

(o) "Tobacco dealer" comprehends every person who for himself or on commission sells or offers for sale cigars, cigarettes, or manufactured tobacco.

(p) "Manufacturer or importer of playing cards" includes those whose business it is to make, manufacture, or import playing cards for sale.

(q) "Manufacturer, producer, or importer of soft drinks or mineral waters" includes all persons who manufacture, produce, or import for sale:

1. Beverages derived wholly or in part from cereals or substitutes therefor, containing less than one-half of one *per centum* of alcohol by volume;

2. Unfermented grape juice, in natural or concentrated form (whether or not sugar has been added), containing thirty-five *per centum* or less of sugar by weight;

3. Unfermented fruit juices (except grape juice), in natural or slightly concentrated form, or such fruit juices to which sugar has been added (as distinguished from finished or fountain syrups), intended for consumption as beverages with the addition of water or water and sugar, and upon all imitations of any such fruit juices, and upon all carbonated beverages, commonly known as soft drinks, manufactured, compounded, or mixed by the use of concentrate, essence, or extract, instead of a finished or fountain syrup;

4. Still drinks (except grape juice), containing less than one-half of one *per centum* of alcohol by volume, intended for consumption as beverages in the form in which sold (except natural or artificial mineral and table waters and imitations thereof, and pure apple cider); and

5. Natural or artificial mineral waters or table waters, whether carbonated or not, and all imitations thereof.

(r) "Stockbroker" includes all persons whose business it is, for themselves or others, to negotiate purchases or sales of stock, bonds, exchange, bullion, coined money, bank notes, promissory notes, or other securities.

(s) "Real estate broker" includes all persons whose business it is, for themselves or others, to negotiate purchases or sales of lands, buildings, or interests therein, or to negotiate loans secured by lands, buildings, or interests therein, or to rent real estate for others or to collect rents thereon.

(t) "Commercial broker" includes all persons, other than importers, manufacturers, producers, or *bona fide* employees, who, for compensation or profit, sell or bring about sales or purchases of merchandise for other persons, or bring proposed buyers and sellers together, or negotiate freights or other business for owners of vessels, or other means of transportation, or for the shippers, or consignors or consignees of freight carried by vessels or other means of transportation. The term includes commission merchants.

(u) "Lending investor" includes all persons who make a practice of lending money for themselves or others at interest.

(v) "Business agent" (*agente de negocios*) includes all persons who act as agents of others in the transaction of business with any public officer, as well as those who conduct collecting, advertising, employment, or private detective agencies.

(w) "Merchant" means a person engaged in the sale, barter, or exchange of personal property of whatever character. Except as specifically provided, the term includes manufacturers who sell articles of their own production.

(x) "Manufacturer" includes every person who by physical or chemical process alters the exterior texture or form or inner substance of any raw material or manufactured or partially manufactured product in such manner as to prepare it for a special use or uses to which it could not have been put in its original condition, or who by any such process alters the quality of any such raw material or manufactured or partially manufactured product so as to reduce it to marketable shape or prepare it for any of the uses of industry, or who by any such process combines any such raw material or manufactured or partially manufactured products with other materials or products of the same or of different kinds and in such manner that the finished product of such process of manufacture can be put to a special use or uses to which such raw material or manufactured or

partially manufactured products in their original condition could not have been put, and who in addition alters such raw material or manufactured or partially manufactured products, or combines the same to produce such finished products for the purpose of their sale or distribution to others and not for his own use or consumption.

SEC. 195. *Percentage tax on stock, real estate, commercial, customs, and immigration brokers.*—Stock, real estate, commercial, customs, and immigration brokers shall pay a percentage tax equivalent to four *per centum* of the gross compensation received by them in excess of five hundred pesos per quarter.

The records kept by said brokers may be used as evidence to determine the amount of the percentage tax due from them, and the Collector of Internal Revenue may assess and collect the tax due on the compensation earned in accordance with said records.

In any case, the amount of the compensation of said brokers shall be reported quarterly within the time established for the other quarterly reports of sales and receipts.

SEC. 196. *Reduction of tax on race tracks.*—The provincial board of any province or the city council of any chartered city may in any year reduce the *per diem* tax on race tracks for the ensuing calendar year or years to any amount not less than twenty pesos; but no such reduction shall be made for the City of Manila or for any place situated within a radius of ten kilometers from the boundary of the City of Manila.

Written notice of such action shall be sent to the Collector of Internal Revenue before the same shall become effective.

SEC. 197. *Privilege secured by payment of tax.*—A person who has paid the tax as a manufacturer of distilled spirits, manufactured liquors or wines, fermented liquors, cigars, cigarettes, snuff, or other manufactured tobacco may, without further payment of privilege tax, sell his products at wholesale and in the original packages at the place of manufacture, but not otherwise.

A retail liquor dealer may without further payment of privilege tax engage in business as a retail vino dealer.

SEC. 198. *Continuation of business of deceased person.*—When any individual paying a business tax dies and the same business is continued by the person or persons interested in his estate, no additional payment shall be required for the residue of the term for which the tax was paid.

SEC. 199. *Removal of business to other location.*—Any business for which the privilege tax has been paid may, subject to the regulations of the Department of Finance, be removed and continued in any other place without the payment of additional tax during the term for which the payment was made.

SEC. 200. *Revocation of privilege.*—When a person doing business under the provisions of this Title as a retail liquor dealer, retail vino dealer, dealer in fermented liquors, or as a peddler of tobacco or liquor, is abusing his privilege to the injury of the public morals or peace, or when a place where any such business is established has been or is conducted in a disorderly or unlawful manner, or is a nuisance, or is permitted to be used as a resort for disorderly characters, criminals, or women of ill repute, the Collector of Internal Revenue may, after due investigation, and with the approval of the Department Head, revoke such privilege, subject to appeal to the President of the Philippines, whose action on the appeal shall be final. Such revocation shall operate to forfeit all sums which may have been paid in respect of said privilege and to prohibit the sale, by the person whose privilege is so revoked, of liquor or tobacco for a term which may be fixed in said order.

CHAPTER II.—*Tax on Occupation*

SEC. 201. *Amount of privilege tax on occupation.*—Privilege taxes on occupation shall be collected as follows, the amount stated being the sum due for the whole year which may be paid annually or semi-annually:

(a) Lawyers, medical practitioners, land surveyors, architects, public accountants, civil, electrical, chemical, mechanical or mining engineers, insurance agents and sub-agents, veterinarians, dental surgeons, opticians, professional appraisers or connoisseurs of tobacco and other domestic or foreign products, licensed ship masters, and marine chief engineers, twenty-four pesos.

The term "mechanical engineers", as used in this section, means professional mechanical engineers as defined in Commonwealth Act Numbered Two hundred and ninety-four.

(b) Chief mates, marine second engineers, pharmacists, chiropodists, tattooers, and masseurs, twelve pesos.

SEC. 202. *Exemption of persons employed by Government or engaged in work of charity.*—No occupation tax shall be imposed upon persons in any branch of the service of the Government of the United States or of the Government of the Philippines whose entire professional services are devoted exclusively to such Governments or are applied under their direction, or upon persons devoting their entire professional services to any religious, educational, or charitable institution, or hospital, sanitarium, or to any similar establishment, not conducted for private gain.

CHAPTER III.—*Administrative Provisions*

SEC. 203. *Registration of name or style with provincial revenue agent or provincial treasurer.*—Every person engaged in any business or occupation on which a privilege tax is imposed by law shall register with the provincial revenue agent, or with the provincial treasurer, in case no provincial revenue agent is assigned to the province, his name or style, place of residence, business or occupation, and the place where such business or occupation is carried on. In case of a firm, the names and residences of the various persons constituting the same shall also be registered.

SEC. 204. *Merchants, importers, and manufacturers to issue sales invoices.*—All merchants, importers, or manufacturers subject to tax under sections 182, 184, 185, 186, 187, and 189, of this Title, shall, for each sale or transfer of merchandise valued at ten pesos or more, prepare and issue sales or commercial invoices serially numbered in duplicate, showing, among other things, their names, or styles, if any, and business addresses: *Provided*, That in case of sales or transfers in the amount of fifty pesos or more, the invoices shall further show the name, or style, if any,

and business address of the purchaser. The original of each sales invoice shall be issued to the purchaser who, if engaged in any taxable business, shall keep and preserve the same in his place of business for a period of five years from the date of the invoice, the duplicate to be kept and preserved by the merchant, importer, or manufacturer also in his place of business for a like period.

The Collector of Internal Revenue may, in meritorious cases, exempt any merchant, importer, or manufacturer from compliance with the provisions of this section.

SEC. 205. *Sign to be exhibited by distiller, rectifier, compounder, repacker, and wholesale liquor dealer.*—Every person engaged in distilling or rectifying spirits, compounding liquors, repacking wines or distilled spirits, and every wholesale liquor dealer, shall keep conspicuously on the outside of his place of business a sign exhibiting, in letters not less than six centimeters high, his name or firm style, with the words "Registered distiller", "Rectifier of spirits", "Compounder of liquors", "Repacker of wines or distilled spirits", or "Wholesale liquor dealer", as the case may be, and his assessment number.

SEC. 206. *Sign to be exhibited by manufacturer of products of tobacco.*—Every manufacturer of cigars, cigarettes, or tobacco, and every wholesale dealer in leaf tobacco or manufactured products of tobacco shall place and keep on the outside of the building wherein his business is carried on, so that it can be distinctly seen, a sign stating his full name and business in letters not less than six centimeters high and also giving his assessment number.

SEC. 207. *Exhibition of certificate of payment at place of business.*—The certificate or receipt showing payment of tax issued to a person engaged in a business or occupation subject to a privilege tax shall be kept conspicuously exhibited in plain view in or at the place where the business is conducted or occupation plied; and, in case of a peddler or other person not having a fixed place of business, shall be kept in the possession of the holder thereof, subject to production upon the demand of any internal-revenue officer.

CHAPTER IV.—*Penal Provisions Especially Applicable to Business and Occupation*

SEC. 208. *Unlawful pursuit of business or occupation.*—

Any person who distills, rectifies, repacks, compounds, or manufactures any article subject to a specific tax, without having paid the privilege tax therefor as required by law, or who knowingly aids or abets in the conduct of illicit distilling, rectifying, repacking, compounding, or illicit manufacture of any article subject to a specific tax shall, in addition to being liable for the payment of such tax, be punished by a fine in a sum not less than five hundred pesos nor more than five thousand pesos, or by imprisonment for a term of not less than six months nor more than six years, or both; and all articles distilled, rectified, repacked, compounded, or manufactured, and all personal property found at the distillery, repacking, rectifying, compounding, or manufacturing establishment or in any building, room, yard, or inclosure connected therewith and used with or constituting a part of the premises on which the distilling, repacking, rectifying, compounding, or manufacturing of said article is carried on, and all the right, title, and interest of such person in the lot or tract of land in which such distillery, repacking, rectifying, compounding, or manufacturing establishment is situated, and all the right, title, and interest therein of every person who knowingly or with negligence has suffered or permitted the business of a distiller, repacker, rectifier, compounder, or manufacturer of any article subject to a specific tax to be there carried on or has connived at the same, shall be forfeited.

In case of reincidence, the offender under the first paragraph hereof shall be punished by a fine of not less than two thousand pesos nor more than fifteen thousand pesos, or by imprisonment of not less than two years nor more than twelve years, or both.

Any person who carries on any other business, or pursues any calling for which a fixed privilege tax is imposed without paying such tax as required by law or who knowingly aids or abets in the conduct of such business, shall,

in addition to being liable to the payment of such tax, be punished by a fine in a sum not exceeding one thousand pesos or by imprisonment for a term not exceeding six months, or both.

SEC. 209. *Failure to make return of receipts, sales, or gross value of output removed, or pay the tax due thereon.*—Any person who, being required under this Title to make a return of the amount of his receipts, sales, business, or gross value of output actually removed, or pay the tax due thereon, shall fail or neglect to make such return or pay such tax within the time required, shall be punished by a fine not exceeding two thousand pesos or by imprisonment for a term not exceeding one year, or both.

Any such person who shall make a false or fraudulent return shall, besides being liable to the surcharge prescribed in section 183 of this Title, be punished by a fine of not less than five hundred pesos nor more than ten thousand pesos or by imprisonment of not less than six months but not more than six years, or both.

TITLE VI.—DOCUMENTARY STAMP TAX

SEC. 210. *Stamp taxes upon documents, instruments, and papers.*—Upon documents, instruments, and papers, and upon acceptances, assignments, sales, and transfers of the obligation, right, or property incident thereto, there shall be levied, collected and paid, for and in respect of the transaction so had or accomplished, the corresponding documentary stamp taxes prescribed in the following sections of this Title, by the person making, signing, issuing, accepting, or transferring the same, and at the time such act is done or transaction had.

SEC. 211. *Stamp tax on bonds, debentures, and certificates of indebtedness.*—On all bonds, debentures, and certificates of indebtedness issued by any association, company, or corporation, there shall be collected a documentary stamp tax of twenty centavos on each two hundred pesos, or fractional part thereof, of the face value of such documents.

SEC. 212. *Stamp tax on original issue of certificates of stock.*—On every original issue, whether on organization,

reorganization, or for any lawful purpose, of certificates of stock by any association, company, or corporation, there shall be collected a documentary stamp tax of twenty centavos on each two hundred pesos, or fractional part thereof, of the par value of such certificates: *Provided*, That in the case of the original issue of stock without par value the amount of the documentary stamp tax herein prescribed shall be based upon the actual consideration received by the association, company, or corporation for the issuance of such stock, and in the case of stock dividends, on the actual value represented by each share.

SEC. 213. *Stamp tax on sales, agreements to sell, memoranda of sales, deliveries or transfers of bonds, due-bills, certificates of obligation, or shares or certificates of stock.*—On all sales, or agreements to sell, or memoranda of sales, or deliveries, or transfer of bonds, due-bills, certificates of obligation, or shares or certificates of stock, in any association, company, or corporation, or transfer of such securities by assignment in blank, or by delivery, or by any paper, or agreement, or memorandum or other evidences of transfer or sale whether entitling the holder in any manner to the benefit of such bonds, due-bills, certificates of obligation or stock, or to secure the future payment of money, or for the future transfer of any bond, due-bill, certificate of obligation or stock, there shall be collected a documentary stamp tax of four centavos on each two hundred pesos, or fractional part thereof, of the par value of such bond, due-bill, certificates of obligation or stock: *Provided*, That only one tax shall be collected on each sale or transfer of stock or securities from one person to another, regardless of whether or not a certificate of stock or obligation is issued, indorsed, or delivered in pursuance of such sale or transfer: *And provided, further*, That in the case of stock without par value the amount of the documentary stamp tax herein prescribed shall be equivalent to twenty *per centum* of the documentary stamp tax paid upon the original issue of said stock.

SEC. 214. *Stamp tax on bonds, debentures, certificates of stock or indebtedness issued in foreign countries.*—On all bonds, debentures, certificates of stock, or certificates of

indebtedness issued in any foreign country, there shall be collected from the person selling or transferring the same in the Philippines such tax as is required by law on similar instruments when issued, sold, or transferred in the Philippines.

SEC. 215. *Stamp tax on certificates of profits or interest in property or accumulations.*—On all certificates of profits, or any certificate or memorandum showing interest in the property or accumulations of any association, company, or corporation, and on all transfers of such certificates or memoranda, there shall be collected a documentary stamp tax of two centavos on each two hundred pesos, or fractional part thereof, of the face value of such certificate or memorandum.

SEC. 216. *Stamp tax on bank checks, drafts, certificates of deposit not bearing interest, and other instruments.*—On each bank check, draft, or certificate of deposit not drawing interest, or order for the payment of any sum of money drawn upon or issued by any bank, trust company, or any person or persons, companies or corporations, at sight or on demand, there shall be collected a documentary stamp tax of two centavos.

SEC. 217. *Stamp tax on negotiable promissory notes, bills of exchange, drafts, certificates of deposit bearing interest and others not payable on sight or demand.*—On all bills of exchange (between points within the Philippines), drafts or certificates of deposit drawing interest, or orders for the payment of any sum of money otherwise than at sight or on demand, or on all negotiable promissory notes, except bank notes issued for circulation, and on each renewal of any such note, there shall be collected a documentary stamp tax of two centavos on each two hundred pesos, or fractional part thereof, of the face value of any such bill of exchange, draft, certificate of deposit, or note.

SEC. 218. *Stamp tax upon acceptance of bills of exchange and others.*—Upon any acceptance or payment of any bill of exchange or order for the payment of money purporting to be drawn in a foreign country but payable in the Philippines, there shall be collected a documentary stamp tax of four centavos on each two hundred pesos, or fractional

part thereof, of the face value of any such bill of exchange or order, or the Philippine equivalent of such value, if expressed in foreign currency.

SEC. 219. *Stamp tax on foreign bills of exchange and letters of credit.*—On all foreign bills of exchange and letters of credit (including orders, by telegraph or otherwise, for the payment of money issued by express or steamship companies or by any person or persons) drawn in but payable out of the Philippines, in a set of three or more according to the custom of merchants and bankers, there shall be collected a documentary stamp tax of four centavos on each two hundred pesos, or fractional part thereof, of the face value of any such bill of exchange or letter of credit, or the Philippine equivalent of such face value, if expressed in foreign currency.

SEC. 220. *Stamp tax on life insurance policies.*—On all policies of insurance or other instruments by whatever name the same may be called, whereby any insurance shall be made or renewed upon any life or lives, there shall be collected a documentary stamp tax of ten centavos on each two hundred pesos, or fractional part thereof, of the amount insured by any such policy.

SEC. 221. *Stamp tax on policies of insurance upon property.*—On all policies of insurance or other instruments by whatever name the same may be called, by which insurance shall be made or renewed upon property of any description, including rents or profits, against peril by sea or on inland waters, or by fire or lightning, there shall be collected a documentary stamp tax of four centavos on each four pesos, or fractional part thereof, of the amount of premium charged.

SEC. 222. *Stamp tax on fidelity bonds and other insurance policies.*—On all policies of insurance or bonds or obligations of the nature of indemnity for loss, damage, or liability made or renewed by any person, association, company, or corporation transacting the business of accident, fidelity, employer's liability, plate glass, steam boiler, burglar, elevator, automatic sprinkler, or other branch of insurance (except life, marine, inland, and fire insurance), and all bonds, undertakings, or recognizances conditioned for the

performance of the duties of any office or position, for the doing or not doing of anything therein specified, and on all obligations guaranteeing the validity or legality of any bonds or other obligations issued by any province, city, municipality, or other public body or organization, and on all obligations guaranteeing the title to any real estate, or guaranteeing any mercantile credits, which may be made or renewed by any such person, company or corporation, there shall be collected a documentary stamp tax of four centavos on each four pesos, or fractional part thereof, of the premium charged.

SEC. 223. *Stamp tax on policies of annuities.*—On all policies of annuities, or other instruments by whatever name the same may be called, whereby an annuity may be made, transferred, or redeemed, there shall be collected a documentary stamp tax of twenty centavos on each two hundred pesos, or fractional part thereof, of the capital of the annuity, or should this be unknown, then on each two hundred pesos, or fractional part thereof, of thirty-three and one-third times the annual income.

SEC. 224. *Stamp tax on indemnity bonds.*—On all bonds for indemnifying any person, firm, or corporation who shall become bound or engaged as surety for the payment of any sum of money or for the due execution or performance of the duties of any office or position or to account for money received by virtue thereof, and on all other bonds of any description, except such as may be required in legal proceedings or are otherwise provided for herein, there shall be collected a documentary stamp tax of fifty centavos.

SEC. 225. *Stamp tax on certificates.*—On each certificate of damage, or otherwise, and on every other certificate or document issued by any customs officer, marine surveyor, or other person acting as such, and on each certificate issued by a notary public, and on each certificate of any description required by law, or by rules or regulations of a public office, or which is issued for the purpose of giving information, or establishing proof of a fact, and not otherwise specified herein, there shall be collected a documentary stamp tax of twenty centavos: *Provided*, That in the case of

tax clearance certificates, there shall be collected a documentary stamp tax of ten pesos on each certificate for a first class passenger; five pesos for a second or tourist class passenger; and one peso for a third class or steerage passenger.

SEC. 226. *Stamp tax on warehouse receipts.*—On each warehouse receipt for property held in storage in a public or private warehouse or yard for any other person than the proprietor of such warehouse or yard himself, there shall be collected a documentary stamp tax of twenty centavos: *Provided*, That no tax shall be collected on each warehouse receipt issued to any one person in any one calendar month covering property the value of which does not exceed two hundred pesos.

SEC. 227. *Stamp tax on bills of lading or receipts.*—On each set of bills of lading or receipts (except charter party) for any goods, merchandise, or effects shipped from one port or place in the Philippines to another port or place in the Philippines, or to any foreign port, there shall be collected a documentary stamp tax of four centavos, if the value of such goods exceeds five pesos and does not exceed two hundred pesos; ten centavos, if the value exceeds two hundred pesos and does not exceed one thousand pesos; twenty centavos, if the value exceeds one thousand pesos and does not exceed five thousand pesos; fifty centavos, if the value exceeds five thousand pesos and does not exceed ten thousand pesos; and one peso, if the value exceeds ten thousand pesos.

SEC. 228. *Stamp tax on passage tickets.*—On each passage ticket, whether a single fare or return ticket, or any receipt for money paid for the passage of a person on any vessel or other means of transportation other than a vessel or other means of transportation belonging to the Government of the Philippines or the Government of the United States from any port or place in the Philippines to any port or place in the United States, or any other foreign country, there shall be collected a documentary stamp tax at the following rates:

(a) If said passage costs not more than sixty pesos, three pesos.

(b) If said passage costs more than sixty pesos and not more than one hundred twenty pesos, five pesos.

(c) If said passage costs more than one hundred and twenty pesos and not more than two hundred and fifty pesos, seven pesos.

(d) If said passage costs more than two hundred and fifty pesos, ten pesos.

SEC. 229. *Stamp tax on proxies.*—On each proxy for voting at any election for officers of any company or association, or for any other purpose, except proxies issued affecting the affairs of associations or corporations organized for religious, charitable, or literary purposes, there shall be collected a documentary stamp tax of thirty centavos.

SEC. 230. *Stamp tax on powers of attorney.*—On each power of attorney to perform any act whatsoever, except acts connected with the collection of claims due from or accruing to the Government of the United States, the Government of the Philippines or the government of any province, city, or municipality, there shall be collected a documentary stamp tax of twenty centavos: *Provided, however,* That on each power of attorney which authorizes another to administer, sell, lease, or otherwise dispose of the property of a principal, there shall be collected a documentary stamp tax of forty centavos.

SEC. 231. *Stamp tax on leases and other hiring agreements.*—On each lease, agreement, memorandum, or contract for the hire, use, or rent of any lands or tenements, or portions thereof, there shall be collected a documentary stamp tax at the following rates:

(a) If executed for not more than one year, forty centavos.

(b) If executed for more than one year and not more than three years, one peso.

(c) If executed for more than three years, two pesos.

SEC. 232. *Stamp tax on mortgages, pledges, and deeds of trust.*—On every mortgage or pledge of lands, estate, or property, real or personal, heritable or movable, whatsoever, where the same shall be made as a security for the payment of any definite and certain sum of money lent at the time or previously due and owing or forborne to be paid being payable, and on any conveyance of land, estate, or property, whatsoever, in trust or to be sold, or otherwise converted into money, which shall be and intended only as security, either by express stipulation or otherwise, there shall be collected a documentary stamp tax at the following rates:

(a) When the amount for which the mortgage or deed of trust is given exceeds one thousand pesos and does not exceed three thousand pesos, one peso.

(b) On each three thousand pesos or fractional part thereof in excess of three thousand pesos, an additional tax of one peso.

SEC. 233. *Stamp tax on deeds of sale and conveyances of real property.*—On all conveyances, deeds, instruments, or writings, other than grants, patents, or original certificates of adjudication issued by the Government, whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to the purchaser or purchasers, or to any other person or persons designated by such purchaser or purchasers, there shall be collected a documentary stamp tax at the following rates:

(a) When the consideration, or value received or contracted to be paid for such realty, after making proper allowance for any incumbrance, exceeds two hundred pesos and does not exceed one thousand pesos, fifty centavos.

(b) For each additional one thousand pesos, or fractional part thereof in excess of one thousand pesos of such consideration or value, one peso.

When it appears that the amount of the documentary stamp tax payable hereunder has been reduced by an incorrect statement of the consideration in any conveyance,

deed, instrument, or writing subject to such tax, the Collector of Internal Revenue, provincial or city treasurer, or other revenue officer shall, from the assessment rolls or other reliable source of information, assess the property at its true market value and collect the proper tax thereon.

SEC. 234. *Stamp tax on charter parties and similar instruments.*—On every charter party, contract, or agreement for the charter of any ship, vessel, or steamer, or any letter or memorandum or other writing between the captain, master, or owner, or other person acting as agent of any ship, vessel, or steamer, and any other person or persons for or relating to the charter of any such ship, vessel, or steamer, and on any renewal or transfer of such charter, contract, agreement, letter, or memorandum, there shall be collected a documentary stamp tax at the following rates:

(a) If the registered gross tonnage of the ship, vessel or steamer does not exceed three hundred tons, and the duration of the charter or contract does not exceed six months, twelve pesos; and for each month or fraction of a month in excess of six months, an additional tax of two pesos shall be paid.

(b) If the registered gross tonnage exceeds three hundred tons and does not exceed six hundred tons, and the duration of the charter or contract does not exceed six months, twenty-four pesos; and for each month or fraction of a month in excess of six months, an additional tax of four pesos shall be paid.

(c) If the registered gross tonnage exceeds six hundred tons and the duration of the charter or contract does not exceed six months, forty-eight pesos; and for each month or fraction of a month in excess of six months, an additional tax of eight pesos shall be paid.

SEC. 235. *Stamp tax on assignments and renewals of certain instruments.*—Upon each and every assignment or transfer of any mortgage, lease, or policy of insurance, or the renewal or continuance of any agreement, contract, charter, or any evidence of obligation or indebtedness by

altering or otherwise, there shall be levied, collected and paid a documentary stamp tax, at the same rate as that imposed on the original instrument.

SEC. 236. *Documents and papers not subject to stamp tax.*—The following instruments, documents, and papers shall be exempt from the documentary stamp tax:

(a) Bonds, debentures, and certificates of indebtedness issued by the National Government or any provincial, city, or municipal government.

(b) Checks, drafts, warrants, and bills of exchange issued in payment of any debt, obligation, or liability, or in fulfillment of any contract of the Government of the United States, or the National Government, or of a provincial, city, or municipal government.

(c) Policies of insurance or annuities made or granted by a fraternal or beneficiary society, order, association, or coöperative company, operated on the lodge system or local coöperation plan, and organized and conducted solely by the members thereof for the exclusive benefit of its members and not for profit.

(d) Certificates of oaths administered to any Government official, in his official capacity, or of acknowledgment by any Government official in the performance of his official duties; written appearances in any court by any Government official, in his official capacity; certificates of the administration of oaths to any person as to the authenticity of any paper required to be filed in court by any person or party thereto, whether the proceedings be civil or criminal; papers and documents filed in courts by or for the Government of the United States, or the national, provincial, city, or municipal governments; affidavits of poor persons for the purpose of proving poverty; statements and other compulsory information required of persons or corporations by rules and regulations of the Government of the United States, or the national, provincial, city, or municipal governments exclusively for statistical purposes and which are wholly for the use of the bureau or office in which the same are filed, and not at the instance or for the use or benefit of the person filing the same; certified copies and

other certificates placed upon documents, instruments, and papers for the Government of the United States, or for the national, provincial, city, or municipal governments, made at the instance and for the sole use of some other branch of the Government of the United States, or of the national, provincial, city, or municipal governments; and certificates of the assessed value of lands, not exceeding two hundred pesos in value assessed, furnished by provincial, city, or municipal treasurer to applicants for registration of title to land.

When any bond, note, or other obligation is secured by a mortgage, pledge, deed of trust, or by the assignment or transfer of any documentary security, one tax only shall be collected upon such papers, such tax to be at the highest rate imposed on such mortgage, bond, note, obligation, or other document, as the case may be.

SEC. 237. *Payment of documentary stamp tax—Cancellation of stamp.*—Documentary stamp taxes shall be paid by the purchase and affixture of documentary stamps to the document or instrument taxed or to such other paper as may be indicated by law or regulations as the proper recipient of the stamp, and by the subsequent cancellation of the same, such cancellation to be accomplished by writing, stamping, or perforating the date of the cancellation across the face of each stamp in such manner that part of the writing, impression, or perforation shall be on the stamp itself and part on the paper to which it is attached: *Provided*, That, if the cancellation is accomplished by writing or stamping the date of cancellation, a hole sufficiently large to be visible to the naked eye shall be punched, cut or perforated on both the stamp and the document either by the use of a hand punch, knife, perforating machine, scissors, or any other cutting instrument; but if the cancellation is accomplished by perforating the date of cancellation, no other hole need be made on the stamp.

In appropriate cases, and in the discretion of the Collector of Internal Revenue, documentary stamps may be imprinted on certain documents upon payment of the face value of such stamps, in which case the imprinted stamps

need not be cancelled as indicated in the preceding paragraph.

When the evidence of a sale or transfer is shown only on the books of a company, the stamp shall be affixed to such books; and in case of the issuance of certificates of stock or other securities or passage tickets, the stamp shall be affixed to the stub or duplicate to be kept in the office of the person or company issuing such certificates, securities, or tickets; and in case the change of ownership is by transfer of certificates the stamp shall be affixed to the certificate; and in case of an agreement to sell, or when the transfer is by delivery of the certificate assigned in blank, there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale to which the stamp shall be affixed; and every such bill or memorandum of sale, or agreement to sell, shall show the date thereof, the name of the seller and/or of the purchaser, the amount of the sale, and matter or thing to which it refers: *Provided*, That where the sale is effected through a broker, the memorandum of sale herein required shall be made and delivered by said broker: *And provided, further*, That for the purpose of this section a notice of sale to the vendor, commonly known as "confirmation slip," shall be considered as a bill or memorandum of sale.

SEC. 238. *Effect of failure to stamp taxable document.*—An instrument, document, or paper which is required by law to be stamped and which has been signed, issued, accepted, or transferred without being duly stamped, shall not be recorded, nor shall it or any copy thereof or any record of transfer of the same be admitted or used in evidence in any court until the requisite stamp or stamps shall have been affixed thereto and cancelled.

No notary public or other officer authorized to administer oaths shall add his jurat or acknowledgment to any document subject to documentary stamp tax unless the proper documentary stamps are affixed thereto and cancelled.

SEC. 239. *Failure to affix or cancel documentary stamps.*—Any person who fails to affix the correct amount of documentary stamps to any taxable document, instrument, or paper, or to cancel in the manner prescribed in

section 237 any documentary stamp affixed to any document, instrument, or paper, shall be subject to a fine of not less than twenty pesos nor more than three hundred pesos.

SEC. 240. *Falsification, or counterfeiting, restoration, or alteration of documentary stamps; possession or use of false, counterfeit, restored, or altered stamps.*—Any person who makes, sells, or uses any false, counterfeit, restored, or altered documentary stamp, or makes, sells, or uses any die for printing or making stamps which are in imitation of or purport to be a lawful stamp or die of the kind required by the provisions of this Title, or who erases the cancellation marks or any stamp previously used, or who alters the written or printed figures or letters or cancellation marks on any stamp previously used, or who has in his possession any such false, counterfeit, restored, or altered stamp or die for the purpose of using the same in the payment of internal-revenue tax or in securing any exemption or privilege conferred by this Code, or who procures the commission of any such offense by another, shall for each offense be fined in a sum not less than three hundred pesos nor more than five thousand pesos and imprisoned for a term not less than three months nor more than five years.

TITLE VII.—MINING TAXES

SEC. 241. *Occupation fee.*—Any locator, holder, or occupant of any mining claim shall pay to the Collector of Internal Revenue in advance, upon the expiration of the period of two years from the date of the registration of the claim in the Office of the Mining Recorder, and on the same date every year thereafter, an annual occupation fee of one peso per hectare, or fractional part thereof, until the lease covering the mining claim shall have been granted. Fifty *per centum* of all the fees collected under this section shall accrue to the province, and fifty *per centum* to the municipality in which the mining claims are located: *Provided*, That in case the mining claims are located in a chartered city, the full amount shall accrue to

the city concerned. Failure to pay the occupation fee herein required within thirty days after demand shall cause the mining claims to be open to relocation and lease by other persons qualified to locate and lease the same under the provisions of the Mining Act, in the same manner as if no location of the said mining claims had ever been made, unless the locator, holder, occupant, his heirs, executors, administrators, or legal representatives, shall have paid the delinquent occupation fees and have resumed occupation of the claims before relocation by other persons.

No lease shall be granted on any mining claim until the occupation fees required to be paid under this section shall have been fully paid: *Provided, however,* That nothing herein contained shall be construed to extend the period of four years within which application for lease of a mining claim shall be filed from the date of the recording of the claim in the Office of the Mining Recorder, as provided for in the Mining Act.

SEC. 242. *Rentals and royalties on mineral lands under lease.*—For the privilege of exploring, developing, mining, extracting, and disposing of the minerals from the lands covered by his lease, the lessee shall pay to the Government of the Philippines, through the Collector of Internal Revenue, rentals and royalties as follows:

(a) *Rentals.*

(1) On coal-bearing public lands, an annual rental, payable in advance on the date of the approval of the lease and on the same date every year thereafter, on the lands covered by such lease, at the rate of two pesos and fifty centavos per hectare or fraction thereof for each and every year for the first ten years, and five pesos per hectare or fraction thereof for each and every year thereafter during the life of the lease: *Provided,* That such rental for any year shall be credited against the royalties as they accrue for that year as provided in subsection (b) hereof: *And provided, further,* That such rental and royalties paid during any year shall be credited against the specific tax provided for in section 143.

(2) On all mineral lands of the first, second, fourth, and fifth groups provided under the Mining Act, one peso per hectare or fraction thereof. The rental shall be paid in advance to the provincial, city, or deputy provincial treasurers on the date of the granting of the lease and on the same date every year thereafter during the life of the lease. Fifty *per centum* of all the rentals collected shall accrue to the province, and fifty *per centum* to the municipality in which the mining claims are located: *Provided*, That in case the mining claims are located in a chartered city, the full amount shall accrue to that city.

(b) *Royalties.*

(1) On coal, such royalties as may be specified in the lease, which shall not be less than ten centavos per ton of one thousand and sixteen kilograms.

(2) On gold, a royalty based on the actual market value of the annual gross output thereof, as follows:

One and one-half *per centum* upon the first five hundred thousand pesos of the value of said output;

Two and one-half *per centum* upon the amount by which such output exceeds five hundred thousand pesos and does not exceed one million pesos;

Three and one-half *per centum* upon the amount by which such output exceeds one million pesos and does not exceed one million five hundred thousand pesos;

Four and one-half *per centum* upon the amount by which such output exceeds one million five hundred thousand pesos and does not exceed two million pesos;

Five and one-half *per centum* upon the amount by which such output exceeds two million pesos and does not exceed two million five hundred thousand pesos;

Six and one-half *per centum* upon the amount by which such output exceeds two million five hundred thousand pesos and does not exceed three million pesos;

Seven *per centum* upon the amount by which such output exceeds three million pesos and does not exceed four million pesos;

Seven and one-half *per centum* upon the amount by which such output exceeds four million pesos and does not exceed five million pesos;

Seven and three-fourths *per centum* upon the amount by which such output exceeds five million pesos and does not exceed six million pesos;

Eight *per centum* upon the amount by which such output exceeds six million pesos and does not exceed seven million pesos;

Eight and one-fourth *per centum* upon the amount by which such output exceeds seven million pesos and does not exceed eight million pesos;

Eight and one-half *per centum* upon the amount by which such output exceeds eight million pesos and does not exceed ten million pesos;

Eight and three-fourths *per centum* upon the amount by which such output exceeds ten million pesos and does not exceed twelve million pesos;

Nine *per centum* upon the amount by which such output exceeds twelve million pesos and does not exceed fourteen million pesos;

Nine and one-fourth *per centum* upon the amount by which such output exceeds fourteen million pesos and does not exceed sixteen million pesos;

Nine and one-half *per centum* upon the amount by which such output exceeds sixteen million pesos and does not exceed eighteen million pesos;

Nine and three-fourths *per centum* upon the amount by which such output exceeds eighteen million pesos and does not exceed twenty million pesos; and

Ten *per centum* upon the amount by which such output exceeds twenty million pesos.

(3) On all other minerals extracted from, or mineral products of, mineral lands of the first, second, fourth, and fifth groups as provided for in the Mining Act, a royalty of one and one-half *per centum* of the actual market value of the gross output thereof.

Before the minerals or mineral products are removed from the mines, the Collector of Internal Revenue or his

representative shall first be notified of such removal on a form prescribed for the purpose.

The rentals and royalties at the rates herein established or at such rates as hereafter may be prescribed by law shall be paid by the lessee and a provision to this effect shall be deemed to be a part of every contract of lease covering the mineral lands and mineral products referred to in this section.

SEC. 243. *Ad valorem taxes on output of mineral lands not covered by lease.*—There shall be assessed and collected on the actual market value of the annual gross output of the minerals or mineral products extracted or produced from all mineral lands, not covered by lease, an *ad valorem* tax, payable to the Collector of Internal Revenue, as follows:

(1) On gold—

One and one-half *per centum* upon the first five hundred thousand pesos of the value of said output;

Two and one-half *per centum* upon the amount by which such output exceeds five hundred thousand pesos and does not exceed one million pesos;

Three and one-half *per centum* upon the amount by which such output exceeds one million pesos and does not exceed one million five hundred thousand pesos;

Four and one-half *per centum* upon the amount by which such output exceeds one million five hundred thousand pesos and does not exceed two million pesos;

Five and one-half *per centum* upon the amount by which such output exceeds two million pesos and does not exceed two million five hundred thousand pesos;

Six and one-half *per centum* upon the amount by which such output exceeds two million five hundred thousand pesos and does not exceed three million pesos;

Seven *per centum* upon the amount by which such output exceeds three million pesos and does not exceed four million pesos;

Seven and one-half *per centum* upon the amount by which such output exceeds four million pesos and does not exceed five million pesos;

Seven and three-fourths *per centum* upon the amount by which such output exceeds five million pesos and does not exceed six million pesos;

Eight *per centum* upon the amount by which such output exceeds six million pesos and does not exceed seven million pesos;

Eight and one-fourth *per centum* upon the amount by which such output exceeds seven million pesos and does not exceed eight million pesos;

Eight and one-half *per centum* upon the amount by which such output exceeds eight million pesos and does not exceed ten million pesos;

Eight and three-fourths *per centum* upon the amount by which such output exceeds ten million pesos and does not exceed twelve million pesos;

Nine *per centum* upon the amount by which such output exceeds twelve million pesos and does not exceed fourteen million pesos;

Nine and one-fourth *per centum* upon the amount by which such output exceeds fourteen million pesos and does not exceed sixteen million pesos;

Nine and one-half *per centum* upon the amount by which such output exceeds sixteen million pesos and does not exceed eighteen million pesos;

Nine and three-fourths *per centum* upon the amount by which such output exceeds eighteen million pesos and does not exceed twenty million pesos; and

Ten *per centum* upon the amount by which such output exceeds twenty million pesos.

(2) On all other minerals, one and one-half *per centum* of the value of said output.

Before the minerals or mineral products are removed from the mines, the Collector of Internal Revenue or his representative shall first be notified of such removal on a form prescribed for the purpose.

SEC. 244. *Deductions from royalty or ad valorem tax on the output of gold.*—The following deductions from the

royalty or *ad valorem* tax, as the case may be, on the annual gross output of gold shall be allowed:

(a) Twenty-five *per centum* in the case of gold placer mines;

(b) Fifteen *per centum* in the case of lode mines producing gold from ores which average less than ten pesos but more than seven pesos per ton; and

(c) Thirty *per centum* in the case of lode mines producing gold from ores which average less than seven pesos per ton.

The average value per ton of ore shall be determined by dividing the total gross output of gold in pesos for any year by the total number of tons milled or shipped as crude ore during that year for any particular lode mine.

SEC. 245. *Time and manner of payment of royalties or ad valorem taxes.*—The royalties or *ad valorem* taxes, as the case may be, shall be due and payable upon the removal of the mineral products from the locality where mined. However, the output of the mine may be removed from such locality without the prepayment of such royalties or *ad valorem* taxes if the lessee, owner, or operator shall file a bond in the form and amount and with such sureties as the Collector of Internal Revenue may require, conditioned upon the payment of such royalties or *ad valorem* taxes, in which case, it shall be the duty of every lessee, owner, or operator of a mine to make a true and complete return in duplicate under oath setting forth the quantity and the actual market value of the output of his mine removed during each calendar quarter and pay the royalties or *ad valorem* taxes due thereon within twenty days after the close of said quarter.

In case the royalties or *ad valorem* taxes are not paid within the period prescribed above, there shall be added thereto a surcharge of twenty-five *per centum*. Where a false or fraudulent return is made, there shall be added to the royalties or *ad valorem* taxes a surcharge of fifty *per centum* of their amount. The surcharge so added shall be

collected in the same manner and as part of the royalties or *ad valorem* taxes, as the case may be.

SEC. 246. *Definition of the term "gross output".*—The term "gross output" shall be interpreted as the actual market value of minerals or mineral products, or of bullion from each mine or mineral lands operated as a separate entity without any deduction for mining, milling, refining, transporting, handling, marketing, or any other expenses: *Provided, however,* That if the minerals or mineral products are sold or consigned abroad by the lessee or owner of the mine under C. I. F. terms, the actual cost of ocean freight and insurance shall be deducted. The output of any group of contiguous mining claims shall not be subdivided. All the royalties or *ad valorem* taxes herein provided shall accrue to the National Treasury.

SEC. 247. *Deductions from royalties payable by persons removing minerals from private lands.*—In case mining is carried on upon private lands, the royalty due on the value of the output of such mines under any and all leases granted for the purpose shall be reduced by five *per centum* of the amount due to the Government under the provisions of this Title, the amount so reduced to be paid by the lessee to the land owner. This privilege shall not be granted to any person acquiring an option on the surface right after any mining location has been made on the minerals found therein.

SEC. 248. *Specific penalties.*—Anyone liable to make a return of the actual market value of the output of mines or to pay the royalties or *ad valorem* taxes required in section 245, who refuses or neglects to file such return, or to pay such royalties or *ad valorem* taxes at the time or times specified therein; and any lessee, owner, or person in charge of any minerals or mineral products upon which the royalties or *ad valorem* taxes imposed in this Title are applicable, who removes, in violation of the first paragraph of said section, or who allows or procures the unlawful removal from the place where mined of any such products, upon which the royalties or *ad valorem* taxes have not been paid; and any person who abets or aids in

the unlawful removal of minerals or mineral products, shall be fined not more than one thousand pesos or imprisoned for not more than six months, or both.

Anyone required by this Title to make, render, or file a return of the actual value of the output of mines, who makes, renders, or files a false or fraudulent return with intent to defeat or evade the payment of the royalties or *ad valorem* taxes, as the case may be, shall be fined not more than four thousand pesos or imprisoned for not more than one year, or both.

TITLE VIII.—MISCELLANEOUS TAXES

CHAPTER I.—*Taxes on Resources of Banks*

SEC. 249. *Tax on capital, deposits, and circulation of banks.*—Subject to the exemptions herein made, there shall be collected from banks the following taxes on capital, deposits, and circulation:

(a) Upon the capital employed by the bank, for each month, one twenty-fourth of one *per centum*.

(b) Upon the average amount of deposits of money, subject to payment by check or draft, or represented by certificates of deposit or otherwise, whether payable on demand or at some future day, for each month, one-eighteenth of one *per centum*.

(c) Upon the average amount of circulation issued by the bank, including as circulation all notes and other obligations calculated or intended to circulate or be used as money, but not including such as may be retained in the vault of the bank or redeemed and on deposit for said bank, for each month, one-twelfth of one *per centum*.

(d) Upon the amount of reserve deficiencies incurred by the bank, and for the periods of their duration, as provided in section 126 of Act Numbered One thousand four hundred and fifty-nine, as amended by Act Numbered Three thousand six hundred and ten, one *per centum* per month.

"Bank," as herein used, includes every incorporated or other bank, and every person, association, or company having a place of business where credits are opened by

the deposit or collection of money or currency subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, are received for discount or for sale.

"Capital employed" does not include money borrowed or received from time to time in the usual course of business from any person not a partner of or interested in such bank. No tax shall be imposed on the capital employed by any person whose sole business is lending money on real estate security.

SEC. 250. *Times for payment of tax—Increase of tax in case of delinquency.*—These taxes shall be due at intervals of six months—namely, on the first of January and July for the respective preceding half-year periods; and if any such tax remains unpaid for four months thereafter, the amount of the tax shall be increased by twenty-five *per centum*, the increment to be a part of the tax.

SEC. 251. *Banker's semi-annual report of business done.*—A report of the monthly amount of capital, deposits, and circulation shall be rendered on or before the first of May and first of November of each year by each bank subject to the tax above prescribed, with a declaration annexed thereto under oath of the president, cashier, manager, or proprietor to the effect that such report contains a true, faithful, and correct statement of the amounts subject to tax as aforesaid for the period therein covered.

SEC. 252. *Computing resources of bank incorporated abroad.*—The amount of capital used by a bank within the Philippines, when such bank is a branch of a bank incorporated under the laws of the United States or a foreign country, shall, for the purposes of assessment hereunder, be determined in the following manner: The total amount of the capital of the bank shall be ascertained, and, likewise, the total amount of the net earnings of the bank accruing during the preceding six months, and also the total amount of the net earnings accruing from the bank's business conducted in the Philippines, and such a proportion of the total capital of the bank shall be deemed to have been

employed in the Philippines as the net earnings in the Philippines bear to the total net earnings of the bank: *Provided, however*, That the amount of capital deemed to have been employed by a foreign banking corporation in this country shall, in no case, be less than the minimum capital required of a bank organized under the laws of the Philippines.

SEC. 253. *Exemption of savings institutions.*—The deposits in associations or companies known as provident institutions, savings banks, savings funds, or savings institutions, having no capital stock and which do no other business than receiving deposits to be loaned or invested for the sole benefit of the parties making such deposits and without profit or compensation to the association or company, shall be exempt from this tax on so much of their deposits as such institutions have invested in securities satisfactory to the Treasurer of the Philippines and on all deposits, not exceeding four thousand pesos, made in the name of any one person.

SEC. 254. *Exemption in case of reduced circulation.*—When the outstanding circulation of any bank is reduced to an amount not exceeding five *per centum* of the chartered or declared capital existing at the time the same was issued, such circulation shall be free from taxation; and when any bank which has ceased to issue notes or circulation deposits with the Treasurer of the Philippines in lawful money, the amount of its outstanding circulation to be redeemed at par, under such regulations as the Secretary of Finance may prescribe, it shall be exempt from any tax upon said circulation.

CHAPTER II.—*Taxes on Receipts of Insurance Companies*

SEC. 255. *Tax on insurance premiums.*—There shall be collected from every person, company, or corporation (except purely cooperative companies or associations) doing insurance business of any sort in the Philippines a tax of one *per centum* of the total premiums collected during the first ten years of his or its operation and one and one-half *per centum* of the total premiums collected there-

after, whether such premiums are paid in money, notes, credits, or any substitute for money, but premiums refunded within six months after payment on account of rejection of risk or returned for other reason to person insured shall not be included in the taxable receipts; nor shall any tax be paid upon reinsurance by a company that has already paid the tax.

"Coöperative companies or associations" are such as are conducted by the members thereof with money collected from among themselves and solely for their own protection and not for profit.

SEC. 256. *Time for payment of tax—Increase of tax in case of delinquency.*—The tax on insurance companies shall be due on the first of July in each year for the preceding calendar year, and if the same remains unpaid for fifteen days thereafter the amount of the tax shall be increased by twenty-five *per centum*, the increment to be a part of the tax.

SEC. 257. *Yearly report from insurance company.*—Every company liable to the payment of the aforesaid tax shall, on or before the first day of April in each year, render a statement in writing, in such form as the Collector of Internal Revenue shall prescribe, containing an account of the conditions of its business during the calendar year last preceding, the entire amount of all premiums and other considerations received during such year, and such additional information as the Collector may require.

SEC. 258. *Tax due from agents of foreign insurance companies.*—Every fire, marine, or miscellaneous insurance agent authorized under section 192 of Act Numbered Two thousand four hundred and twenty-seven, as amended by Acts Numbered Two thousand six hundred and forty-eight and Three thousand five hundred and seventy-five to procure policies of insurance as he may have previously been legally authorized to transact on risks located in the Philippines for companies not authorized to transact business in the Philippines, shall likewise make a yearly report to the Collector of Internal Revenue at the time and in the manner

prescribed in section 257, showing the entire amount of all premiums received by the company he represents under the authority of the Insurance Law. And such agent shall pay to the Collector of Internal Revenue a tax equal to twice the tax imposed in section 255 which tax shall be paid at the same time and be subject to the same penalty for delinquency as the tax imposed by said section: *Provided, however,* That the provisions of this section shall not apply to reinsurance: *And provided, further,* That the prohibitions of this section shall not affect the right of an owner of property to apply for and obtain for himself policies in foreign companies in cases where said owner does not make use of the services of any agent, company, or corporation residing or doing business in the Philippines. In all cases where owners of property obtain insurance directly with foreign companies, it shall be the duty of said owners to report to the Insurance Commissioner and to the Collector of Internal Revenue each case where insurance has been so effected, and shall pay the tax of one and one-half *per centum* on premiums paid, in the manner required by section 255 of insurance companies, and shall be subject to the same penalty for failure to do so.

CHAPTER III.—*Franchise Tax*

SEC. 259. *Tax on corporate franchises.*—There shall be collected in respect to all existing and future franchises, upon the gross earnings or receipts from the business covered by the law granting the franchise, such taxes, charges, and percentages as are specified in the special charters of the corporations upon whom such franchises are conferred, and, for the purpose of facilitating the assessment of this tax, reports shall be made by the respective holders of the franchises in such form and at such times as shall be required by the regulations of the Department of Finance.

The taxes, charges, and percentages on corporate franchises shall be due and payable as specified in the particular franchise, or, in case no time limit is specified therein, the provisions of section 182 shall apply; and if such taxes,

charges, and percentages remain unpaid for fifteen days from and after the date on which they must be paid, twenty-five *per centum* shall be added to the amount of such taxes, charges, and percentages, which increase shall form part of the tax.

CHAPTER IV.—*Amusement Taxes*

SEC. 260. *Amusement taxes*.—There shall be collected from the proprietor, lessee, or operator of theaters, cinematographs, concert halls, circuses, boxing exhibitions, and other places of amusement the following taxes:

(a) When the amount paid for admission exceeds twenty centavos but does not exceed twenty-nine centavos, two centavos on each admission;

(b) When the amount paid for admission exceeds twenty-nine centavos but does not exceed thirty-nine centavos, three centavos on each admission;

(c) When the amount paid for admission exceeds thirty-nine centavos but does not exceed forty-nine centavos, four centavos on each admission;

(d) When the amount paid for admission exceeds forty-nine centavos but does not exceed fifty-nine centavos, five centavos on each admission;

(e) When the amount paid for admission exceeds fifty-nine centavos but does not exceed sixty-nine centavos, six centavos on each admission;

(f) When the amount paid for admission exceeds sixty-nine centavos but does not exceed seventy-nine centavos, seven centavos on each admission;

(g) When the amount paid for admission exceeds seventy-nine centavos but does not exceed eighty-nine centavos, eight centavos on each admission;

(h) When the amount paid for admission exceeds eighty-nine centavos but does not exceed ninety-nine centavos, nine centavos on each admission; and

(i) When the amount paid for admission exceeds ninety-nine centavos, ten centavos on each admission.

In the case of theaters or cinematographs, the taxes herein prescribed shall first be deducted and withheld by the pro-

prietors, lessees, or operators of such theaters or cinematographs and paid to the Collector of Internal Revenue before the gross receipts are divided between the proprietors, lessees, or operators of the theaters or cinematographs and the distributors of the cinematographic films.

In the case of cockpits, race tracks, and cabarets, there shall be collected from the proprietor, lessee, or operator a tax equivalent to ten *per centum* of the gross receipts, irrespective of whether or not any amount is charged or paid for admission: *Provided, however,* That in the case of race tracks, this tax is in addition to the privilege tax prescribed in section 193. For the purpose of the amusement tax, the term "gross receipts" embraces all the receipts of the proprietor, lessee, or operator of the amusement place, excluding the receipts derived by him from the sale of liquors, beverages, or other articles subject to specific tax, or from any business subject to tax under this Code.

SEC. 261. *Exemption.*—The tax herein imposed shall not be paid where the admission fees or charges are collected by or for and in behalf of any religious, charitable, scientific, or educational institution or association, and where no part of the net proceeds of such admission fees or charges inures to the benefit of any private stockholder or individual.

CHAPTER V.—*Charges on Forest Products*

SEC. 262. *Measuring of forest products and collection of charges thereon.*—The duties incident to the measuring of forest products and the collection of the charges thereon shall be discharged by the Bureau of Internal Revenue, under the regulations of the Department of Finance.

Employees of the Bureau of Forestry may be deputed by the Collector of Internal Revenue for the performance of duties incident to the measuring and invoicing of forest products when the Director of Forestry deems such course advisable for the protection of the forest revenues and is willing to supply the services of such employees at the expense of the Bureau of Forestry.

SEC. 263. *Mode of measuring timber.*—Except as hereinbelow provided, all timber shall be measured and

manifested in the round or squared, before being sawn or manufactured. The volume of all round timber shall be ascertained by multiplying the area of the small end by the length of the log, the diameter of the log to be measured exclusive of the bark; but if the end of a log is irregular the average diameter shall be used; and in order to ascertain the volume of a log more than eight meters long, the diameter of the middle of said log, or the average of the diameters, at both ends thereof, shall be used as basis. If a log in the round, cut under license, is measured and manifested by forest officers, the Director of Forestry shall make due allowance for rot, cavities, or other natural defects; but from any decision of the Director of Forestry in this respect, an appeal shall lie to his Department Head, whose decision shall be final. The manifest of timber cut by licensees operating sawmills in or near the forest shall be attested by forest officers whenever practicable.

The volume of squared timber shall be ascertained by multiplying the average of the cross section measured by the length, to which thirty *per centum* shall be added for loss in squaring: *Provided, however,* That if squared timber cut under license is measured and manifested by forest officers, the Director of Forestry shall make due allowance for rot, cavities, or other natural defects; but from any decision of the Director of Forestry in this respect, an appeal shall lie to his Department Head, whose decision shall be final. The privilege of manifesting timber after squaring shall, however, be granted only to licensees who have squared their logs in the forests with the ax and intend to take it to the market in this form.

If sawn or otherwise manufactured timber is found which has not been manifested in accordance with the provisions hereof, the corresponding forest charges shall be assessed on twice the volume of the actual contents of such sawn or manufactured timber.

SEC. 264. *Charges on timber cut in public forests.*—Except as otherwise specially provided, the following charges shall be collected on each cubic meter of timber cut in any

public forest or forest reserve in the Philippines, whether removed therefrom or not:

(a) On timber in the first group, not including ebony, camagon and molave stripped of sapwood, three pesos and fifty centavos.

(b) On ebony stripped of sapwood, six pesos.

(c) On camagon stripped of sapwood, five pesos.

(d) On molave stripped of sapwood, four pesos.

(e) On timber in the second group, two pesos.

(f) On timber in the third group, not including firewood, one peso and twenty-five centavos.

(g) On timber in the fourth group, not including firewood, sixty centavos.

SEC. 265. *Charges on firewood cut in public forests.*—On firewood cut in public forests and forest reserves, the following charges shall be collected:

On bacauan and tañgal, per cubic meter, twenty centavos.

On other woods, per cubic meter, ten centavos.

Only third or fourth-group wood can be taken for firewood. However, at the discretion of the Director of Forestry, first and second-group woods may be removed for firewood purposes from land which is more valuable for agricultural than for timber purposes.

SEC. 266. *Charges collectible on wood cut from unregistered private lands.*—The charges above prescribed shall be collected on all wood cut upon any land the title to which is not registered with the Director of Forestry as required by the Forest Law; and in the absence of such registration, wood cut and removed from alleged private lands shall be considered as cut and removed under license from public forests or forest reserves, and shall be subject to the law and regulations in such case applicable.

SEC. 267. *Surcharges for illegal cutting and removal of forest products or for delinquency.*—Where forest products are unlawfully cut or gathered in any public forest without license or, if under license, in violation of the terms thereof, the charges on such products shall be increased by three hundred *per centum*. If forest products shall be

removed without invoice, or upon removal, shall be discharged without permit from boat, car, cart, or other means of transportation, the charges shall be increased by fifty *per centum*; and if, in any case, the proper charges upon forest products are not paid within sixty days after the same shall be due and payable, such charges shall be increased by fifty *per centum*: *Provided, however*, That the Collector of Internal Revenue may, in meritorious cases, waive the surcharge of fifty *per centum* for discharging without permit or grant an extension of time not exceeding thirty days for the payment of the forest charges without surcharge.

SEC. 268. *Charges on timber cut for use on mining claim.*—When a license is granted by the Bureau of Forestry allowing a miner or mining company to cut timber for the development of a mining claim on land other than such as is covered by his or its claim, the charges on timber so cut shall be one-half the charges hereinabove fixed.

SEC. 269. *Charges on gums, resins, and other forest products.*—On gums, resins, rattan, and other products of the forest gathered or removed from any public forest or forest reserve, and not hereinabove provided for, there shall be collected a charge of ten *per centum* of the market value thereof, determined in the manner indicated below.

The market value of the various forest products on which forest charges may thus be collected shall be determined from time to time by a joint assessment of the Collector of Internal Revenue and the Director of Forestry, to be approved by their respective Department Heads, the same to be published for the information of the public in the Official Gazette. Where the value of any forest product included in this section is not determined and published in the manner specified, such product may be gathered or removed free of charge.

SEC. 270. *Charges on stone, earth, salt, and guano taken from lands under the jurisdiction of the Bureau of Forestry.*—On stone, earth, salt, or guano gathered or removed from the lands under the jurisdiction of the Bureau of Forestry, there shall be collected such charges as may be

fixed in particular cases by the Director of Forestry, with the approval of the Department Head.

SEC. 271. *No charges on products lawfully removed under gratuitous license.*—No charges shall be collected on forest products removed in conformity with the terms of a gratuitous license of the Bureau of Forestry and in compliance with the law and the regulations of such Bureau.

SEC. 272. *Gratuitous licensees subject to regulations of Department of Finance.*—Gratuitous licensees authorized to cut first-group timber under license from the Bureau of Forestry must comply with the regulations of the Department of Finance in regard to the removal of such timber, and shall submit on the proper forms full invoices showing the volume of timber cut by them.

SEC. 273. *Time for payment of forest charges.*—Except as hereinbelow provided, the charges on forest products shall be payable at the time of the removal of the same from the forest.

With the approval of the Collector of Internal Revenue, lumber may be removed from a sawmill situated on a licensed cutting area upon the giving of a bond conditioned upon the monthly payment of the charges due on the output of such mill. He may also authorize the shipment of forest products under auxiliary invoices without the prepayment of charges in special cases where the payment of the charges at the point of origin would result in undue hardship, if the owner or concessionaire shall first file a bond with the Bureau of Internal Revenue in the form and amount and with such sureties as the Collector of Internal Revenue may require, conditioned upon the payment of the forest charges at the point of destination or at such time and place as the Collector may direct.

CHAPTER VI.—*Fees for Sealing of Weights and Measures*

SEC. 274. *Sealing and licensing of weights and measures.*—The duties incident to the official inspection of weights and measures, and the sealing and licensing of the same for use, shall be performed under the supervision of the Bureau of Internal Revenue.

SEC. 275. *Fees for sealing linear metric measures.*—Fees for sealing linear measures of the metric system shall be as follows:

(a) Measures not over one and one-half meters, ten centavos.

(b) Measures over one and one-half meters, twenty centavos.

SEC. 276. *Fees for sealing English linear measures.*—Fees for sealing linear measures of the English system, allowable only when such measures are to be used in measuring manufactured lumber, shall be as follows:

(a) Measures not over one yard, ten centavos.

(b) Measures over one yard, twenty centavos.

SEC. 277. *Fees for sealing metric measures of capacity.*—Fees for sealing metric measures of capacity shall be as follows:

(a) For a measure not over ten liters, twenty centavos.

(b) For a measure over ten liters, thirty centavos.

SEC. 278. *Fees for sealing metric instruments of weight.*—Fees for sealing instruments for determining weight graduated solely in the metric system shall be as follows:

(a) Those having a capacity of over three thousand kilograms, three pesos.

(b) Those having a capacity of not over three thousand but over three hundred kilograms, one peso and twenty centavos.

(c) Those having a capacity of not over three hundred but more than thirty kilograms, sixty centavos.

(d) Those with a capacity not greater than thirty kilograms, thirty centavos.

For an apothecary balance or other balance of precision the charge shall be doubled.

With each scale or balance, a complete set of weights for use therewith shall be sealed free of charge. For each extra weight, the charge shall be five centavos.

SEC. 279. *Form and duration of license for use of weights and measures.*—The receipt for the fee charged

for the sealing of weights and measures shall serve as a license to use such instrument for one year from the date of sealing, unless deterioration or damage which renders the weight or measure inaccurate occurs in that period. When a license is renewed, the same shall expire on the same day and month of the year following its original issuance. Such license shall be preserved by the owner and, together with the weights and measures covered by the license, shall be exhibited on demand of any internal-revenue officer.

SEC. 280. *Secondary standards preserved by provincial treasurers—Testing of same.*—For use in the testing of weights and measures in the provinces, provincial treasurers shall keep full sets of secondary standards in the provincial buildings. The Collector of Internal Revenue shall be responsible for the inspection and proper testing of all provincial and municipal standards of weights and measures.

SEC. 281. *Comparison of secondary and fundamental standards.*—The comparison of the secondary and fundamental standards shall be made in the Bureau of Science at the instance of the Collector of Internal Revenue. When found to be sufficiently accurate, the secondary standard shall be distinguished by a label, tag, or seal, and shall be accompanied by a certificate showing the amount of its variation from the fundamental standard. If the variation is of sufficient magnitude to impair the utility of the instrument, it shall be destroyed in the Bureau of Science.

SEC. 282. *Inspectors of weights and measures.*—Internal-revenue agents shall inspect and test balances or scales, weights, and measures, and report upon the condition thereof in the territory assigned to them. It shall be their duty to secure evidence of infringements of the law or of fraud in the use of weights and measures or of neglect of duty on the part of any officer engaged in sealing weights and measures. Evidence so secured by them shall be presented forthwith to the Collector of Internal Revenue and also to the proper prosecuting officer.

SEC. 283. *Sealers of weights and measures.*—The sealing and licensing of weights and measures shall be the duty of the city or provincial treasurers and their deputies, and for the purposes of this law such officers shall be termed sealers of weights and measures.

SEC. 284. *Destruction of defective instrument of weight or measure.*—Any defective instrument of weight or measure may be destroyed by any inspector or sealer of weights and measures if its defect is such that it can not readily and securely be repaired.

SEC. 285. *Testing of instruments used in Government work.*—All measures and instruments for determining weight used in the Government work or maintained for public use by any province, city, or municipality shall be tested and sealed free of charge.

SEC. 286. *Dealer's permit to keep unsealed weights and measures.*—Upon obtaining written permission from the Collector of Internal Revenue any dealer may keep instruments of weight or measure in stock for sale without sealing, until sold or used.

SEC. 287. *Fraudulent practices relative to weights and measures.*—Any person other than an official sealer of weights and measures who places an official tag or seal upon any instrument of weight or measure, or attaches it thereto; or who fraudulently imitates any mark, stamp, brand, tag, or other characteristic sign used to indicate that weights and measures have been officially sealed; or who alters in any way the certificate given by the sealer as an acknowledgment that the weights and measures mentioned therein have been duly sealed; or who makes or knowingly sells or uses any false or counterfeit stamp, tag, certificate, or license, or any die for printing or making stamps, tags, certificates, or licenses which is an imitation of or purports to be a lawful stamp, tag, certificate, or license of the kind required by the provisions of this Chapter; or who alters the written or printed figures or letters on any stamp, tag, certificate, or license used or issued; or who has in his possession any such false, counterfeit, restored, or altered stamp, tag, certificate, or license for the purpose of using or reusing the same in the payment of fees or charges im-

posed in this Chapter; or who procures the commission of any such offense by another, shall for each such offense be fined not less than two hundred pesos nor more than ten thousand pesos or imprisoned for not less than one month nor more than five years, or both.

SEC. 288. *Unlawful possession or use of instrument not sealed before using and not sealed within twelve months from last sealing.*—Any person making a practice of buying or selling goods by weight, or measure, or of furnishing services the value of which is estimated by weight or measure, who has in his possession without permit any unsealed scale, balance, weight or measure, and any person who uses, in any purchase or sale or in estimating the value of any service furnished, any instrument of weight or measure that has not been officially sealed, or, if previously sealed, the license therefor has expired and has not been renewed in due time, shall be punished by a fine not exceeding five hundred pesos or by imprisonment for not exceeding one year, or both; but if such scale, balance, weight, or measure so used has been officially sealed at some previous time and the seal and tag officially affixed thereto remain intact and in the same position and condition in which they were placed by the official sealer, and the instrument is found not to have been altered or rendered inaccurate but still to be sufficiently accurate to warrant its being sealed without repairs or alteration, such instrument shall, if presented for sealing promptly on demand of any authorized sealer or inspector of weights and measures, be sealed, and the owner, possessor, or user of same shall be subject to no penalty except a surcharge equal to five times the regular fee fixed by law for the sealing of an instrument of its class, this surcharge to be collected and accounted for by the same official and in the same manner as the regular fees for sealing such instruments.

SEC. 289. *Alteration or fraudulent use of instrument of weight or measure.*—Any person who with fraudulent intent alters any scale or balance, weight, or measure after it is officially sealed, or who knowingly uses any false

scale or balance, weight, or measure, whether sealed or not, shall be punished by a fine of not less than two hundred pesos nor more than four thousand pesos or by imprisonment for not less than three months nor more than two years, or both.

Any person who fraudulently gives short weight or measure in the making of a sale, or who fraudulently takes excessive weight or measure in the making of a purchase, or who, assuming to determine truly the weight or measure of any article bought or sold by weight or measure, fraudulently misrepresents the weight or measure thereof, shall be punished by a fine of not less than two hundred pesos nor more than two thousand pesos or by imprisonment for not less than three months nor more than two years, or both.

CHAPTER VII.—*The Firearms Tax*

SEC. 290. *Definition of terms.*—As used in this Chapter, the word “firearm” or “arm” includes rifles, muskets, carbines, shotguns, revolvers, pistols, and all other deadly weapons from which a bullet, ball, shot, shell, or other missile may be discharged by means of gunpowder or other explosives. The term also includes air rifles coming under regulations of the Philippine Constabulary. The barrel of any firearm shall be considered a complete firearm for all the purposes hereof. The word “ammunition” shall mean loaded shell for rifles, muskets, carbines, shotguns, revolvers, and pistols from which a bullet, ball, shot, shell, or other missile may be fired by means of gunpowder or other explosives. The term also includes ammunition for air rifles mentioned elsewhere in this section. The words “explosive” and “explosives” shall mean gunpowders, powder used for blasting, all forms of high explosives, blasting materials, dynamite, fuses, detonators and detonating agents, smokeless powder, and any other chemical compound or chemical mixture that contains any combustible units or other ingredients in such proportion, quantities or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of all or any part of the compound or mixture may cause such a sudden

generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

SEC. 291. *License fees of dealers in firearms, ammunition, and explosives.*—Any person dealing in firearms or ammunition under license issued in accordance with the provisions of section 883 of the Administrative Code, or in explosives as provided by Act Numbered Twenty-two hundred and fifty-five, shall pay the following annual fees:

Dealers selling one thousand or more firearms of all kinds in a year, two hundred pesos.

Dealers selling less than one thousand firearms of all kinds in a year, one hundred twenty pesos.

Dealers selling or manufacturing one million or more rounds of ammunition of all kinds in a year, one hundred fifty pesos.

Dealers importing or selling less than one million rounds of ammunition of all kinds in a year, one hundred pesos.

Dealers in or manufacturers of explosives, two hundred pesos.

This section shall not be applicable to fireworks manufacturers.

SEC. 292. *Firearms license fees.*—Any person who owns or possesses a license to possess a firearm in accordance with section 888 of the Administrative Code, as amended, shall pay the following initial and annual fees:

For each shotgun held on license:

Initial fee	P10.00
Annual fee	5.00

For each high-power rifle held on license:

Initial fee	P15.00
Annual fee	5.00

For each revolver held on license, except caliber 22 revolver:

Initial fee	P10.00
Annual fee	5.00

For each rifle held on license, except caliber .22 rifle:

Initial fee	₱10.00
Annual fee	5.00

Provided, however, That bona fide and active members of duly organized gun clubs and accredited by the Chief of Constabulary shall pay an initial fee of five pesos and an annual fee of two pesos for each firearm held on license, except caliber .22 revolver or rifle.

SEC. 293. *Hunting permits.*—Persons holding license to possess rifles and shotguns shall not engage in hunting unless they provide themselves with an annual hunting permit, the fee for which shall be two pesos.

SEC. 294. *Collection and disposition of fees.*—The fees herein provided shall be collected by the Collector of Internal Revenue under such rules and regulations as said Collector and the Chief of Constabulary may prescribe, with the approval of the respective Department Heads. The proceeds of the collection of such fees shall accrue to the National Government.

SEC. 295. *Penal provision.*—The fees provided in this Chapter are due and payable on the date the license to possess or deal in firearms, ammunition or explosives is issued by the Chief of Constabulary and on each anniversary thereof, and failure to pay said fees within sixty days after they become due and payable shall render the person in arrears liable to a surcharge of twenty-five *per centum* of the regular fees unpaid.

CHAPTER VIII.—*Radio Fees*

SEC. 296. *Registration of radio receiving sets, notice of sale or change in ownership or location of each set.*—Every person, firm, company, association, corporation, or any other entity having in his or in its possession or control a radio receiving set, shall register the same with the Collector of Internal Revenue within thirty days after coming into possession or control of such set, and it shall be the duty of the owner or possessor thereof to advise the Collector of Internal Revenue of any change in his or its address within

thirty days after such change takes place. Whenever any radio receiving set is sold, or any change in ownership or possession takes place, the dealer, or former owner, or possessor thereof shall advise the Collector of Internal Revenue of such sale or transfer.

Dealers or persons selling receivers to the Government of the United States or of the Philippines shall comply with the provisions of this section and with the regulations which may be issued by the Secretary of Finance.

SEC. 297. *Annual fees to be paid.*—Except as otherwise provided in section 300, there shall be paid and collected a registration fee of one peso *per annum*, for every crystal receiving set, and for every receiving set that uses a vacuum tube or tubes for amplification or for detection, there shall be paid and collected, in accordance with the following zones, registration fees as follows:

(a) *First zone.*—Manila, Bataan, Batangas, Bulacan, Cavite, Laguna, Marinduque, Mindoro, Nueva Ecija, Pampanga, Pangasinan, Rizal, Romblon, Tarlac, Tayabas, and Zambales: one peso a year for sets using not more than five tubes, and five pesos a year for sets using more than five tubes.

(b) *Second zone.*—Abra, Albay, Antique, Cagayan, Camarines Norte, Camarines Sur, Capiz, Cebu, Ilocos Norte, Ilocos Sur, Iloilo, Isabela, La Union, Masbate, Mountain Province, Nueva Vizcaya, Occidental Negros, Samar, and Sorsogon: one peso a year for sets using not more than seven tubes, and five pesos for sets using more than seven tubes.

(c) *Third zone.*—Agusan, Batanes, Bohol, Bukidnon, Cotabato, Davao, Lanao, Leyte, Occidental Misamis, Oriental Misamis, Oriental Negros, Palawan, Sulu, Surigao, and Zamboanga: one peso a year for sets using not more than nine tubes, and five pesos a year for sets using more than nine tubes.

The "annual fees" above specified shall be understood to be for a period of twelve months counting from the date of acquisition of a radio receiver.

SEC. 298. *When to pay fees; surcharge to be paid for late payment.*—The annual fees prescribed in the preceding section shall be paid in full upon registration of the radio receiving set as required in section 296. Subsequent payment of these fees shall be made from year to year counting from the date of acquisition of the radio receiving sets.

Any fee not paid within the time fixed herein shall be increased by a surcharge of twenty *per centum* thereof.

SEC. 299. *Exemption of the Governments of the United States and the Philippines.*—The Government of the United States shall be exempt from all requirements of this Chapter. The Government of the Philippines shall be exempt likewise for all radio receiving sets owned or operated by it for communication purposes.

SEC. 300. *Receiving sets for specified uses to be registered but exempt from payment of fees.*—Subject to such rules and regulations as may be prescribed by the Secretary of Finance, owners of receiving sets covered by this section shall comply with the requirements of section 296 of this Chapter as regards registration but shall be exempt from payment of the fees as required by section 297:

- (a) Sets in storage or out of service;
- (b) Sets kept for sale or used for demonstration by those engaged in the manufacture or sale of radio apparatus;
- (c) Sets owned or operated by the Government of the Philippines and used for purposes other than communications;
- (d) Sets installed on airplanes and ships licensed under Act Numbered Thirty-eight hundred and forty-six;
- (e) Sets operated by owners of broadcasting stations if such sets are used for the purpose of monitoring or checking the quality or efficiency of the broadcasting stations;
- (f) Sets owned and operated by lighthouse-keepers at their official stations;
- (g) In cases where an amateur radio operator, who is licensed under Act Numbered Thirty-eight hundred and forty-six, or the owner of a licensed amateur radio station

has more than one receiver in his immediate household, all such receivers shall be registered but the fee need be paid on one receiver only; and

(h) Sets of not more than two tubes and used exclusively for scientific experimentation.

No credit for, nor refund or reimbursement of registration fees already paid or parts thereof shall be made on account of a radio set becoming exempt under the provisions of this section subsequent to the payment of such fees.

SEC. 301. *Disposition of radio registration fees.*—All collections made under this Chapter shall accrue to the National Radio Broadcasting Fund created by Act Numbered Three thousand nine hundred and ninety-seven.

CHAPTER IX.—*Tobacco Inspection Fees*

SEC. 302. *Inspection fees.*—For inspection made in accordance with this Chapter, there shall be collected a fee of thirty centavos for each thousand cigars or fraction thereof in the lot offered for inspection; three centavos for each thousand cigarettes or fraction thereof in the lot offered for inspection; twenty-five centavos for each one hundred kilograms of leaf tobacco or fraction thereof in the lot offered for inspection; and one centavo for each kilogram or fraction thereof, of other manufactured tobacco in the lot offered for inspection.

The tobacco inspection fees shall accrue to the Tobacco Inspection Fund created by section 12 of Act Numbered Two thousand six hundred and thirteen, as amended by Act Numbered Three thousand one hundred and seventy-nine.

CHAPTER X.—*Water Rentals*

SEC. 303. *Water rentals.*—The appropriator of water for power purposes for a small development shall pay to the Government of the Philippines an annual rental of twenty-five centavos per horsepower for the first ten years, beginning on the first day of January after the plant is ready for operation. After this first period, the rental shall become one peso, per horsepower per year: *Provided, however,* That the development of less than thirty horsepower shall be exempt from the rental provided in this section.

The appropriator of water for power purposes for a large development shall pay to the Government of the Philippines an annual rental of fifty centavos per horsepower for the first ten years, beginning on the first day of January after the plant is ready for operation. At the end of the first ten years and of each ten-year period thereafter, the Secretary of Public Works and Communications shall determine the rate of rental which shall be charged for the succeeding ten years: *Provided*, That in no case shall the rental rate be less than one peso nor more than two pesos per horsepower per year.

The amount of water upon which rental shall be charged, shall be determined as follows: The normal rated water capacity of the water wheels installed expressed in second-liters shall be multiplied by the difference in level of water surface in forebay and tailrace expressed in meters, and the product divided by one hundred, the quotient representing the developed horsepower on the basis of an efficiency of seventy-six *per centum* for the plant.

SEC. 304. *When rentals shall be paid.*—The rental shall be paid within twenty days after the end of each calendar quarter and shall be collected by the Bureau of Internal Revenue as a tax. If at any time payment shall not be made when the same shall have become due, said rental shall be increased by twenty-five *per centum* and together with the penalty shall become a lien upon the right of use of water and all the works, lands, buildings, and machinery which constitute the property appurtenant thereto, which lien shall be enforced in the manner prescribed in Title IX of this Code.

TITLE IX.—GENERAL ADMINISTRATIVE PROVISIONS

CHAPTER I.—*Remedies in General*

SEC. 305. *Injunction not available to restrain collection of tax.*—No court shall have authority to grant an injunction to restrain the collection of any national internal-revenue tax, fee, or charge imposed by this Code.

SEC. 306. *Recovery of tax erroneously or illegally collected.*—No suit or proceeding shall be maintained in any

court for the recovery of any national internal-revenue tax hereafter alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, until a claim for refund or credit has been duly filed with the Collector of Internal Revenue; but such suit or proceeding may be maintained, whether or not such tax, penalty, or sum has been paid under protest or duress. In any case, no such suit or proceeding shall be begun after the expiration of two years from the date of payment of the tax or penalty.

SEC. 307. *Action to contest forfeiture of chattel.*—In case of the seizure of personal property under claim of forfeiture, the owner desiring to contest the validity of the forfeiture may, at any time before sale or destruction of the property, bring an action against the person seizing the property or having possession thereof to recover the same, and upon giving proper bond may enjoin the sale; or after the sale and within six months he may bring an action to recover the net proceeds realized at the sale.

SEC. 308. *Form and mode of proceeding in actions arising under this Code.*—Civil actions and proceedings instituted in behalf of the Government under the authority of this Code or other law enforced by the Bureau of Internal Revenue shall be brought in the name of the Government of the Philippines and shall be conducted by the provincial or city fiscal, or the Solicitor-General, or by any person designated by the latter; but no civil action for the recovery of taxes or the enforcement of any fine, penalty, or forfeiture under this Code shall be begun without the approval of the Collector of Internal Revenue.

SEC. 309. *Authority of Collector to make compromises and to refund taxes.*—The Collector of Internal Revenue may compromise any civil or other case arising under this Code or other law or part of law administered by the Bureau of Internal Revenue, may credit or refund taxes erroneously or illegally received, or penalties imposed without authority, and may remit before payment any tax that appears to be unjustly assessed or excessive.

He shall refund the value of internal-revenue stamps when the same are returned in good condition by the purchaser, and may, in his discretion, redeem or exchange unused stamps that have been rendered unfit for use, and may refund their value upon proof of destruction.

The authority of the Collector of Internal Revenue to credit or refund taxes or penalties under this section can only be exercised if the claim for credit or refund is made in writing and filed with him within two years after the payment of the tax or penalty.

SEC. 310. *Satisfaction of judgment recovered against treasurer or other officer.*—When an action is brought against any revenue officer to recover damages by reason of any act done in the performance of official duty, and the Collector of Internal Revenue is notified of such action in time to make defense against the same, through the Solicitor-General, any judgment, damages, or costs recovered in such action shall be satisfied by the Collector of Internal Revenue upon approval of the Department Head, or if the same be paid by the person sued, shall be repaid or reimbursed to him.

No such judgment, damages, or costs shall be paid or reimbursed in behalf of a person who has acted negligently or in bad faith, or with willful oppression.

SEC. 311. *Remedy for enforcement of statutory penal provisions.*—The remedy for enforcement of statutory penalties of all sorts shall be by criminal or civil action, as the particular situation may require.

SEC. 312. *Remedy for enforcement of forfeitures.*—The forfeiture of chattels and removable fixtures of any sort shall be enforced by the seizure and sale, or destruction, of the specific forfeited property. The forfeiture of real property shall be enforced by a judgment of condemnation and sale in a legal action or proceeding, civil or criminal, as the case may require.

SEC. 313. *When property to be sold or destroyed.*—Sales of forfeited chattels and removable fixtures shall be effected, so far as practicable, in the same manner and under the same conditions as to public notice and the time

and manner of sale as are prescribed for sales of personal property distrained for the nonpayment of taxes.

Distilled spirits, liquors, cigars, cigarettes, other manufactured products of tobacco, and playing cards, and all apparatus used in or about the illicit production of such articles may, upon forfeiture, be destroyed by order of the Collector of Internal Revenue, when the sale of the same for consumption or use would be injurious to the public health or prejudicial to the enforcement of the law.

All other articles subject to specific tax, which have been manufactured or removed in violation of this Code, as well as dies for the printing or making of internal-revenue stamps, labels and tags which are in imitation of or purport to be lawful stamps, labels, or tags may, upon forfeiture, be sold or destroyed in the discretion of the Collector of Internal Revenue.

Forfeited property shall not be destroyed until at least twenty days after seizure.

SEC. 314. *Disposition of funds recovered in legal proceedings or obtained from forfeitures.*—All judgments and moneys recovered and received for taxes, costs, forfeitures, fines, and penalties shall be paid to the Collector of Internal Revenue or his authorized deputies as the taxes themselves are required to be paid, and, except as specially provided, shall be accounted for and dealt with in the same way.

CHAPTER II.—*Civil Remedies for Collection of Taxes*

SEC. 315. *Nature and extent of tax lien.*—Every internal-revenue tax on property or on any business or occupation, and every tax on resources and receipts, and any increment to any of them incident to delinquency, shall constitute a lien superior to all other charges or liens not only on the property itself upon which such tax may be imposed but also upon the property used in any business or occupation upon which the tax is imposed and upon all property rights therein.

The estate tax shall be a lien for five years upon the gross estate of the decedent from the date the tax be-

comes legally due. The lien of the tax on inheritances, legacies, and other acquisitions *mortis causa* shall be superior to all other liens, mortgages, encumbrances, or real right created thereon subsequent to the death of the predecessor, and shall be enforceable against the property inherited whether in the possession of the delinquent owner or purchaser, but this lien will be extinguished at the end of five years from the date when the tax becomes legally due.

The tax on gifts shall be a lien upon all gifts made during the calendar year, for five years from the time the tax becomes legally due. If the tax is not paid when due, the taxpayer (donor or donee) shall be personally liable for such tax to the extent of the value of such gift. Any part of the property comprised in the gift sold by the donee to a *bona fide* purchaser for an adequate and full consideration in money or money's worth shall be divested of the lien herein imposed and the lien, to the extent of the value of such gift, shall attach to all the property of the taxpayer (donor or donee), including after-acquired property, except any part sold to a *bona fide* purchaser for an adequate and full consideration in money or money's worth.

If any person, corporation, partnership, joint-account (*cuenta en participación*), association, or insurance company liable to pay the income tax, neglects or refuses to pay the same after demand, the amount shall be a lien in favor of the Government of the Philippines from the time when the assessment was made by the Collector of Internal Revenue until paid, with interest, penalties, and costs that may accrue in addition thereto upon all property and rights to property belonging to the taxpayer: *Provided*, That this lien shall not be valid against any mortgagee, purchaser, or judgment creditor until notice of such lien shall be filed by the Collector in the office of the register of deeds of the province or city where the property of the taxpayer is situated or located.

SEC. 316. *Civil remedies for the collection of delinquent taxes.*—The civil remedies for the collection of internal-revenue taxes, fees, or charges, and any increment thereto

resulting from delinquency shall be (a) by distraint of goods, chattels, or effects, and other personal property of whatever character, including stocks and other securities, debts, credits, bank accounts, and interest in and rights to personal property, and by levy upon real property and interest in or rights to real property; and (b) by judicial action. Either of these remedies or both simultaneously may be pursued in the discretion of the authorities charged with the collection of such taxes.

No exemption shall be allowed against the internal-revenue taxes in any case.

SEC. 317. *Constructive distraint of the property of a taxpayer.*—To safeguard the interest of the Government, the Collector of Internal Revenue may place under constructive distraint the property of a delinquent taxpayer or any taxpayer who, in his opinion, is retiring from any business subject to tax, or intends to leave the Philippines, or remove his property therefrom, or hide or conceal his property, or perform any act tending to obstruct the proceedings for collecting the tax due or which may be due from him. The constructive distraint of personal property shall be effected by requiring the taxpayer or any person having possession or control of such property to sign a receipt covering the property distrained and obligate himself to preserve the same intact and unaltered and not to dispose of the same in any manner whatever without the express authority of the Collector of Internal Revenue. In case the taxpayer or the person having the possession and control of the property sought to be placed under constructive distraint refuses or fails to sign the receipt herein referred to, the revenue officer effecting the constructive distraint shall proceed to prepare a list of such property and in the presence of two witnesses leave a copy thereof in the premises where the property distrained is located, after which the said property shall be deemed to have been placed under constructive distraint.

SEC. 318. *Distraint of personal property.*—The remedy by distraint shall proceed as follows: Upon the failure of the person owing any delinquent tax or delinquent revenue

to pay the same, at the time required, the Collector of Internal Revenue or his deputy may seize and distrain any goods, chattels, or effects, and other personal property, including stocks and other securities, debts, credits, bank accounts, and interest in and rights to personal property, of such person in sufficient quantity to satisfy the tax, or charge, together with any increment thereto incident to delinquency, and the expenses of the distraint.

SEC. 319. *Mode of procedure.*—The officer levying the distraint shall make or cause to be made an account of the goods, chattels, effects, or other personal property distrained, a copy of which, signed by himself, shall be left either with the owner or person from whose possession such goods, chattels, or effects, or other personal property were taken, or at the dwelling or place of business of such person and with some one of suitable age and discretion, to which list shall be added a statement of the sum demanded and note of the time and place of sale. Stocks and other securities shall be distrained by serving a copy of the warrant of distraint upon the taxpayer and upon the president, manager, treasurer, or other responsible officer of the corporation, company, or association, which issued the said stocks or securities.

Debts and credits shall be distrained by leaving with the person owing the debts or having in his possession or under his control such credits, or with his agent, a copy of the warrant of distraint. The warrant of distraint shall be sufficient authority to the person owing the debts or having in his possession or under his control any credits belonging to the taxpayer to pay to the Collector of Internal Revenue the amount of such debts or credits.

Bank accounts shall be distrained by serving a warrant of distraint upon the taxpayer and upon the president, manager, treasurer, or other responsible officer of the bank. Upon receipt of the warrant of distraint, the bank shall turn over to the Collector of Internal Revenue so much of the bank accounts as may be sufficient to satisfy the claim of the Government.

SEC. 320. *Sale of property distrained and disposition of proceeds.*—The officer levying the distraint shall forthwith cause a notification to be exhibited in not less than two public places in the municipality or city where the distraint is made, specifying the time and place of sale and the articles distrained. The time of sale shall not be less than twenty days after notice to the owner or possessor of the property as above specified and the publication or posting of such notice. One place for the posting of such notice shall be at the office of the mayor of the city or municipality in which the property is distrained. At the time and place fixed in such notice the said officer shall sell the goods, chattels, or effects, or other personal property, including stocks and other securities so distrained, at public auction, to the highest bidder for cash; or, with the approval of the Collector of Internal Revenue, through duly licensed produce or stock exchanges. In the case of stocks and other securities, the officer making the sale shall execute a bill of sale which he will deliver to the buyer, and a copy thereof furnished the corporation, company, or association which issued the stocks or other securities. Upon receipt of the copy of the bill of sale, the corporation, company, or association shall make the corresponding entry in its books, transfer the stocks or other securities sold in the name of the buyer, and issue, if required to do so, the corresponding certificates of stock or other securities.

Any residue over and above what is required to pay the entire claim, including expenses, shall be returned to the owner of the property sold. The expenses chargeable upon such seizure and sale shall embrace only the actual expense of seizure and preservation of the property pending the sale, and no charge shall be imposed for the services of the local internal-revenue officer or his deputy.

SEC. 321. *Release of distrained property upon payment prior to sale.*—If at any time prior to the consummation of the sale all proper charges are paid to the officer conducting the sale, the goods or effects distrained shall be restored to the owner.

SEC. 322. *Report of sale to Bureau of Internal Revenue.*—Within two days after the sale the officer making the same shall make a report of his proceedings in writing to the Collector of Internal Revenue and shall himself preserve a copy of such report as an official record.

SEC. 323. *Purchase by Government at sale upon distraint.*—When the amount bid for the property under distraint is not equal to the amount of the tax or is very much less than the actual market value of the articles offered for sale, the Collector of Internal Revenue or his deputy may purchase the same in behalf of the National Government for the amount of taxes, penalties, and costs due thereon.

Property so purchased may be resold by the Collector of Internal Revenue or his deputy, subject to the regulations of the Department of Finance, the net proceeds to be covered into the National Treasury and accounted for as internal revenue.

SEC. 324. *Levy on real estate.*—Real property may be levied upon before, simultaneously, or after the distraint of personal property belonging to the delinquent. To this end any internal-revenue officer designated by the Collector of Internal Revenue shall prepare a duly authenticated certificate showing the name of the taxpayer and the amounts of the tax and penalty due from him. Said certificate shall operate with the force of a legal execution throughout the Philippines. Levy shall be effected by writing upon said certificate a description of the property upon which levy is made. At the same time written notice of the levy shall be mailed to or served upon the delinquent or, if he be absent from the Philippines, to his agent or the manager of the business in respect to which the liability arose, or, if there be none such, to the occupant of the property in question.

SEC. 325. *Advertisement and sale.*—Within twenty days after levy the officer conducting the proceedings shall proceed to advertise the property or so much thereof as may be necessary to satisfy the claim and costs of sale; and such advertisement shall cover a period of at least thirty days. It shall be effectuated by posting a notice at the main entrance of the municipal building or city hall and in a

public and conspicuous place in the barrio or district in which the real estate lies, and by publication once a week for three weeks in a newspaper of general circulation published in the municipality or city where the property is located, if there be such newspaper. The advertisement shall contain a statement of the amount of taxes and penalties so due and the time and place of sale, the name of the taxpayer against whom the taxes are levied, and a short description of the property to be sold. At any time before the day fixed for the sale the taxpayer may discontinue all proceedings by paying the taxes, penalties, and interest. If he does not do so, the sale shall proceed and shall be held either at the main entrance of the municipal building or city hall, or on the premises to be sold, as the officer conducting the proceedings shall determine and as the notice of sale shall specify.

Within five days after the sale a return of the proceedings shall be entered upon the records of the provincial or city treasurer; and the provincial or city treasurer shall then make out and deliver to the purchaser a certificate from his records, showing the proceedings of the sale, describing the property sold, stating the name of the purchaser, and setting out the exact amount of all public taxes, penalties, and interest.

SEC. 326. *Redemption of property sold.*—Within one year from the date of sale the delinquent taxpayer, or any one for him, shall have the right of paying to the provincial or city treasurer the amount of the public taxes, penalties, and interest thereon from the date of delinquency to the date of sale, together with interest on said purchase price at the rate of fifteen *per centum per annum* from the date of purchase to the date of redemption, and such payment shall entitle the person paying to the delivery of the certificate issued to the purchaser and a certificate from the said treasurer that he has thus redeemed the property, and the treasurer shall forthwith pay over to the purchaser the amount by which such property has thus been redeemed, and said property thereafter shall be free from the lien of such taxes and penalties.

The owner shall not, however, be deprived of the possession of the said property and shall be entitled to the rents and other income thereof until the expiration of the time allowed for its redemption.

SEC. 327. *Final deed to purchaser.*—In case the taxpayer shall not redeem the property as above provided, the provincial or city treasurer shall, as grantor, execute a deed conveying to the purchaser so much of the property as has been sold, free from all liens of any kind whatsoever, and the deed shall succinctly recite all the proceedings upon which the validity of the sale depends.

SEC. 328. *Forfeiture to Government for want of bidder.*—In case there is no bidder for real property exposed for sale as hereinabove provided or if the highest bid is for an amount insufficient to pay the taxes, penalties, and costs, the provincial or city treasurer shall declare the property forfeited to the Government in satisfaction of the claim in question and within two days thereafter shall make a return of his proceedings and the forfeiture, which shall be spread upon the records of his office.

Within one year from the date of such forfeiture the taxpayer, or any one for him, may redeem said property by paying to the provincial or city treasurer the full amount of the taxes and penalties, together with interest thereon and the costs of sale; but if the property be not thus redeemed, the forfeiture shall become absolute.

SEC. 329. *Resale of real estate taken for taxes.*—The Collector of Internal Revenue shall have charge of any real estate obtained by the Government of the Philippines in payment or satisfaction of taxes, penalties, or costs arising under this Code or in compromise or adjustment of any claim therefor; and said Collector may upon the giving of not less than twenty days' notice sell and dispose of the same at public auction, or, with the prior approval of the Department Head, may dispose of the same at private sale. In either case the proceeds of the sale shall be deposited in the National Treasury, and an account of the same shall be rendered to the Auditor General.

SEC. 330. *Further distraint or levy.*—The remedy by distraint of personal property and levy on realty may be repeated if necessary until the full amount due, including all expenses, is collected.

SEC. 331. *Period of limitation upon assessment and collection.*—Except as provided in the succeeding section, internal-revenue taxes shall be assessed within five years after the return was filed, and no proceeding in court without assessment for the collection of such taxes shall be begun after the expiration of such period. For the purposes of this section a return filed before the last day prescribed by law for the filing thereof shall be considered as filed on such last day: *Provided*, That this limitation shall not apply to cases already investigated prior to the approval of this Code.

SEC. 332. *Exceptions as to period of limitation of assessment and collection of taxes.*—(a) In the case of a false or fraudulent return with intent to evade tax or of a failure to file a return, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time within ten years after the discovery of the falsity, fraud, or omission.

(b) Where before the expiration of the time prescribed in the preceding section for the assessment of the tax, both the Collector of Internal Revenue and the taxpayer have consented in writing to its assessment after such time, the tax may be assessed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

(c) Where the assessment of any internal-revenue tax has been made within the period of limitation above-prescribed such tax may be collected by distraint or levy or by a proceeding in court, but only if begun (1) within five years after the assessment of the tax, or (2) prior to the expiration of any period for collection agreed upon in writing by the Collector of Internal Revenue and the taxpayer before the expiration of such five-year period.

The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

SEC. 333. *Suspension of running of statute.*—The running of the statute of limitations provided in section 331 or 332 on the making of assessments and the beginning of distraint or levy or a proceeding in court for collection, in respect of any deficiency, shall be suspended for the period during which the Collector of Internal Revenue is prohibited from making the assessment or beginning distraint or levy or a proceeding in court, and for sixty days thereafter.

CHAPTER III.—*Keeping of Books of Accounts and Records*

SEC. 334. *Corporations, companies, partnerships, or persons required to keep journal and ledger.*—All corporations, companies, partnerships, or persons required by law to pay internal-revenue taxes shall keep a journal and a ledger, or their equivalents: *Provided, however,* That those whose gross quarterly sales, earnings, receipts, or output do not exceed five thousand pesos shall, at their option, be exempt from the requirements of keeping the books above mentioned, but unless they do keep the same, they must keep the internal-revenue sales and purchase books and other records prescribed by the Bureau of Internal Revenue and any other additional data that the Secretary of Finance may require by rules and regulations and which may be necessary for the accurate determination of the amount of taxes due the Government.

SEC. 335. *Subsidiary books.*—All corporations, companies, partnerships, or persons keeping the books of accounts mentioned in the preceding section may, at their option, keep such subsidiary books as the needs of their service may require: *Provided,* That where such subsidiaries are kept, they shall form part of the accounting system of the taxpayer and shall be subject to the same rules and regulations as to their keeping, translation, production, and inspection as are applicable to the journal and the ledger.

SEC. 336. *Books to be translated.*—All such corporations, companies, partnerships, or persons who keep any of the

books or records mentioned in section 334 hereof in a language other than a native language. English, or Spanish, shall make a true and complete translation of all their entries in such books into a native language, English, or Spanish, and the said translation must be made by the bookkeeper of such corporations, companies, partnerships, or persons, or, in his absence, by the manager thereof, and must be certified to under oath as to its correctness by the said bookkeeper or manager, and shall form an integral part of the books of accounts aforesaid.

SEC. 337. *Preservation of books of accounts, and other accounting records.*—All the books of accounts, including the subsidiary books, and other accounting records, of such corporations, companies, partnerships, or persons shall be preserved by them for a period of at least five years from the date of the last entry in each book and shall be subject to examination and inspection at any time by internal-revenue officers: *Provided*, That all corporations, companies, partnerships, or persons, who retire from business shall, within ten days from the date of such retirement or within such period of time as may be allowed by the Collector of Internal Revenue in special cases, submit their books of accounts, including the subsidiary books, and other accounting records, to the Collector of Internal Revenue or any of his deputies for examination, after which they shall be returned.

CHAPTER IV.—*Rules and Regulations*

SEC. 338. *Authority of Secretary of Finance to promulgate rules and regulations.*—The Secretary of Finance, upon recommendation of the Collector of Internal Revenue, shall promulgate all needful rules and regulations for the effective enforcement of the provisions of this Code.

TITLE X.—MISCELLANEOUS ADMINISTRATIVE PROVISIONS

SEC. 339. *Words and phrases defined.*—The term “prohibited drugs” as herein used, includes opium, cocaine, alpha and beta eucaine, their derivatives, and all preparations made from them.

"Opium" embraces every kind, class, and character of opium, whether crude, prepared, ash, or refuse, and all narcotic preparations thereof or therefrom, and all morphine or alkaloids of opium, and all preparations in which opium, morphine, or any alkaloid of opium enters as an ingredient, together with all opium leaves and wrappings of opium leaves, whether such leaves or wrappings are prepared for use or not.

SEC. 340. *Lawful possession and uses of prohibited drugs specified.*—Prohibited drugs may be lawfully kept, used, administered, and dealt in under the following conditions and by the following persons only:

(a) Duly licensed and practicing physicians, dentists, and veterinarians may, in the proper course of their professional practice only, prescribe and administer, or cause to be administered, prohibited drugs as medicine or anæsthetic and may receive and keep the same in their possession for such use.

(b) Government bureaus or officers of the Government duly designated in writing for such purpose by the President of the Philippines may receive, keep, use, and dispose of such drugs in accordance with law, and the same may be lawfully sold, transferred, or delivered to them.

(c) Pharmacists may receive, keep, and dispense prohibited drugs upon the prescription of a duly licensed and practicing physician, dentist, or veterinarian, and upon permit from the Collector of Internal Revenue may transfer and deliver the same to other pharmacists or to any person or institution lawfully authorized to receive the same.

SEC. 341. *Importation of opium—Storage of same.*—Opium shall be imported only by the Government of the Philippines through the Bureau of Internal Revenue; and all imported opium, after the payment of duties, taxes, and charges, shall be delivered by the customs authorities to the Collector of Internal Revenue for storage in a place to be approved by him. Except in case of fire or similar necessity, opium so stored shall be removed only for delivery to a person authorized to receive the same, and before removal from storage the drug shall be marked or labeled

in such manner as may be prescribed in the regulations of the Department of Finance.

A reasonable charge may be made for such storage, to be paid before the opium is removed.

SEC. 342. *Record to be kept by physicians, pharmacists, dentists, and veterinarians—Inspection of same.*—Physicians, dentists, veterinarians, and pharmacists shall keep true and correct records of all prohibited drugs received and dispensed or transferred by them, in such form and manner as may be prescribed in the regulations of the Department of Finance.

Such record and the stock of prohibited drugs on hand shall be subject to inspection at all times by the duly authorized officers, agents, or deputies of the Bureau of Internal Revenue.

SEC. 343. *Certificates of tax clearance to be secured by persons leaving the Philippines.*—No person shall leave the Philippines without a certificate of tax clearance to be issued by the Collector of Internal Revenue or his duly authorized representative. The provisions of this section shall not, however, apply to sovereigns of foreign governments and the members of their suites, whether personal or official, representatives of foreign governments bearing diplomatic passports, and consular agents and tourists not engaged in commerce in the Philippines.

SEC. 344. *Passage ticket to be issued only to persons exhibiting certificates of tax clearance.*—No person, corporation, company, or association engaged in the business of carrying passengers shall issue a passage ticket or carry any passenger from a place or port in the Philippines to a foreign place or port, unless the tax clearance certificate prescribed in the next preceding section is duly presented.

TITLE XI.—GENERAL PENAL PROVISIONS

SEC. 345. *Statutory offenses of officers and employees.*—Every officer, agent, or employee of the Bureau of Internal Revenue who is guilty of any delinquency hereinbelow specified, or who falls within any of the classes hereinbelow indicated, shall be punished by a fine of not less than four

hundred pesos nor more than ten thousand pesos or by imprisonment for not less than six months nor more than five years, or both:

(a) Those guilty of extortion or willful oppression under color of law.

(b) Those who knowingly demand other or greater sums than are authorized by law or receive any fees, compensation, or reward, except as by law prescribed, for the performance of any duty.

(c) Those who willfully neglect to give receipts, as by law required, for any sums collected in the performance of duty, or who willfully neglect to perform any of the duties enjoined by law.

(d) Those who conspire or collude with another or others to defraud the revenues or otherwise violate the law.

(e) Those who willfully make opportunity for any person to defraud the revenues, or who do or omit to do any act with intent to enable any other person to defraud the revenues.

(f) Those who negligently or designedly permit the violation of the law by any other person.

(g) Those who make or sign any false entry or entries in any book, or make or sign any false certificate or return in any case where the law requires the making by them of such entry, certificate, or return.

(h) Those who, having knowledge or information of a violation of any provision of this Code, or of any fraud committed on the revenues collectible by the Bureau of Internal Revenue, fail to report such knowledge or information to their superior officer, or to report as otherwise required by law.

(i) Those who, without the authority of law, demand or accept or attempt to collect, directly or indirectly, as payment or otherwise, any sum of money or other thing of value for the compromise, adjustment, or settlement of any charge or complaint for any violation or alleged violation of law.

SEC. 346. *Reward of informer against officers and employees.*—In case of a conviction under the preceding sec-

tion, one-half of any fine imposed shall accrue to the National Government and the other half for the benefit of the informer, who shall be ascertained and named in the judgment of the court.

SEC. 347. *Unlawful divulgence of trade secrets.*—Except as provided in section 81 any officer or employee of the Bureau of Internal Revenue who divulges to any person or makes known in any other manner than may be provided by law information regarding the business, income, or inheritance of any taxpayer, the secrets, operation, style of work, or apparatus of any manufacturer or producer, or confidential information regarding the business of any taxpayer, knowledge of which was acquired by him in the discharge of his official duties, shall be fined in a sum of not more than two thousand pesos or imprisoned for a term of not less than six months nor more than five years, or both.

SEC. 348. *Unlawful interest of revenue officers in business.*—Any internal-revenue officer who is or shall become interested, directly or indirectly, in the manufacture, sale, or importation of any article subject to tax under Title IV of this Code, or in the manufacture or repair or sale, of any scale or balance, weight, or measure, or die for the printing, or making of stamps, labels, or tags, shall be fined in a sum of not less than four hundred pesos nor more than ten thousand pesos.

SEC. 349. *Procuring unlawful divulgence of trade secrets.*—Any person who causes or procures an officer or employee of the Bureau of Internal Revenue to divulge any confidential information regarding the business, income, or inheritance of any taxpayer, knowledge of which was acquired by him in the discharge of his official duties, and which it is unlawful for him to reveal, and any person who publishes or prints in any manner whatever, not provided by law, any income, profits, losses, or expenditures appearing in any income tax return shall be fined in a sum of not more than two thousand pesos or imprisoned for a term of not less than six months nor more than five years, or both.

SEC. 350. *Penalty for selling, transferring, encumbering, or in any way disposing of property placed under constructive distraint.*—Any taxpayer whose property has been placed under constructive distraint who sells, transfers, encumbers, or in any way disposes of the said property, or any part thereof, without the knowledge and consent of the Collector of Internal Revenue, shall be punished by a fine in a sum equal to twice the value of the property so sold, encumbered, or disposed of, or by imprisonment of not less than six months but not more than six years, or both: *Provided*, That where the value of the property sold, encumbered, or disposed of is less than five hundred pesos, the minimum fine shall be not less than five hundred pesos.

SEC. 351. *Failure to surrender property placed under distraint and levy.*—Any person having in his possession or under his control any property or rights to property, upon which a warrant of constructive distraint or of actual distraint and levy has been issued shall, upon demand by the Collector of Internal Revenue or any of his deputies executing such warrant, surrender such property or right to property to the Collector of Internal Revenue or any of his deputies, unless such property or right is, at the time of such demand, subject to an attachment or execution under any judicial process. Any person who fails or refuses to so surrender any of such property or right shall be liable in his own person and estate to the Government in a sum equal to the value of the property or rights not so surrendered but not exceeding the amount of the taxes (including penalties and interest) for the collection of which such warrant has been issued, together with costs and interest, if any, from the date of such warrant. In addition, such person shall be punished by a fine of not more than three hundred pesos or by imprisonment for not more than six months, or both.

SEC. 352. *Violation of other provisions of this Code or regulations in general.*—A person who violates any provision of this Code or any regulation of the Department of Finance made in conformity with the same, for which delinquency no specific penalty is provided by law, shall be

punished by a fine of not more than three hundred pesos or by imprisonment for not more than six months, or both.

SEC. 353. *Subsidiary penalty.*—If the person convicted for violation of any of the provisions of this Code has no property with which to meet the fine imposed upon him by the court, or is unable to pay such fine, he shall be subject to a subsidiary personal liability at the rate of one day for each two pesos and fifty centavos, subject to the rules established in article 39 of the Revised Penal Code.

SEC. 354. *Prescription for violations of any provisions of this Code.*—All violations of any provision of this Code shall prescribe after five years.

Prescription shall begin to run from the day of the commission of the violation of the law, and if the same be not known at the time, from the discovery thereof and the institution of judicial proceedings for its investigation and punishment.

The prescription shall be interrupted when proceedings are instituted against the guilty persons and shall begin to run again if the proceedings are dismissed for reasons not constituting jeopardy.

The term of prescription shall not run when the offender is absent from the Philippines.

SEC. 355. *Making false entries or writing false or fictitious names in books or records.*—Any person who knowingly shall make a false entry or enter a false or fictitious name in the books or records mentioned in sections 334 and 335 of this Code, or who shall abet or aid in any manner in the making or writing thereof, shall be fined in a sum of not less than five hundred pesos nor more than five thousand pesos or imprisoned for a term of not less than six months and one day nor more than five years, or both.

SEC. 356. *Failure to keep pharmacist's record.*—A physician, dentist, veterinarian, or pharmacist who fails to keep a true and correct record of prohibited drugs received and dispensed or transferred by him, as required by law and prescribed in the regulations of the Department of

Finance, or who fails to allow the immediate inspection of his entire stock of such drugs upon the demand of any internal-revenue officer or agent shall be punished by a fine of not less than fifty pesos nor more than one thousand pesos.

TITLE XII.—ALLOTMENT OF INTERNAL REVENUE

CHAPTER I.—*Special Disposition of Certain National Internal Revenue*

SEC. 357. *Disposition of fees for sealing weights and measures.*—The proceeds of fees for the sealing and licensing of weights and measures shall accrue equally to the province and municipality wherein collected.

SEC. 358. *Disposition of proceeds of certain taxes.*—Three-sevenths of the proceeds of the internal-revenue percentage taxes on agricultural products prescribed in sections 187 and 188 as well as the taxes due from proprietors or operators of rope factories, sugar centrals, rice mills, corn mills, coconut oil mills, and desiccated coconut factories prescribed in section 189 of this Code shall accrue to the provinces and the remaining four-sevenths shall accrue to the municipalities. The apportionment shall be based on population as shown by the latest official census.

SEC. 359. *Disposition of proceeds of taxes on franchises.*—Where the grantee of any franchise, his lessees, successors, or assigns have issued bonds with interest guaranteed by the Government of the Philippines, the franchise tax shall accrue in its entirety to the National Government until the guaranty ceases.

Taxes upon franchises whose obligations are not thus guaranteed shall be applied as follows:

(a) Where the franchise is for the operation of a submarine telegraphic cable, the entire franchise tax shall accrue to the National Government.

(b) Where the franchise is for a steam railroad or marine railway operating in one or more municipalities, five-tenths of the franchise tax shall accrue to the National Government, two-tenths to the province or provinces concerned, and three-tenths to the municipality or municipal-

ities concerned; and where more than one province participates in the provincial share, only so much of their population shall be considered in making the division as is found in the municipality or municipalities wherein the franchise is operated in the particular province.

(c) Where the franchise is for an electric or tramway line operating in one or more municipalities, one-fifth of the franchise tax shall accrue to the National Government, one-fifth to the province or provinces concerned, and three-fifths to the municipality or municipalities concerned; and where more than one province participates, the same rule of apportionment shall be observed as in the subsection preceding.

(d) Where the franchise is for the operation of a public-service plant or system different from those specified above, and the same is doing business in one or more municipalities, one-fifth of the franchise tax shall accrue to the National Government, one-fifth to the province or provinces concerned, and three-fifths to the municipality or municipalities concerned; and where more than one province or municipality participates, the apportionment shall be in proportion to the gross receipts from the business transacted within their respective limits.

SEC. 360. *Disposition of proceeds of income, inheritance, and gift taxes.*—Two and one-half *per centum* of the proceeds of the tax on income and of the tax on inheritance, legacies, and other acquisitions *mortis causa*, as well as on gifts, shall accrue to the provinces, two and one-half *per centum* shall accrue to the municipalities, and the remaining ninety-five *per centum* shall accrue to the National Government. The proceeds accruing to the provinces and municipalities shall be apportioned on the basis of population as shown by the latest official census.

SEC. 361. *Disposition of proceeds of taxes on motor fuel.*—The proceeds of the tax on motor fuel prescribed in subsections (b), (c), and (d) of section 142 of this Code shall be distributed as follows:

Twenty *per centum* shall accrue to the provincial road and bridge funds of the different provinces in proportion to the population in each province as shown in the latest

available census and the remaining eighty *per centum* of said money shall be deposited in the National Treasury to constitute a special fund for the maintenance, reconstruction, improvement, and, where practicable, for the construction of provincial and national roads and bridges, to be apportioned by the Secretary of Public Works and Communications to the different provinces in the following proportions:

Twenty *per centum* equally among all the provinces;

Twenty *per centum* in proportion to the combined length of first and second-class roads maintained throughout the previous year in each province;

Twenty *per centum* in proportion to the land area; and

Twenty *per centum* in the discretion of the Secretary of Public Works and Communications for the maintenance, improvement, or construction of interprovincial and coast-to-coast roads, or for the maintenance and improvement of roads subject to unusually heavy traffic.

The subprovince of Catanduanes shall be considered as a province separate and independent from the Province of Albay for the purposes of this section.

Chartered cities shall each receive a share equal to that of a province:

Provided, That the share corresponding to the chartered cities together with the share corresponding to the province to which said cities were formerly attached shall in no case exceed the whole amount which corresponded to the city and the province together prior to their separation.

The eighty *per centum* of the funds herein set aside are appropriated exclusively for the maintenance, reconstruction, improvement, and, where practicable, for the construction of provincial and national roads and bridges; and the said funds shall be expended only upon projects to be designated by the Secretary of Public Works and Communications.

CHAPTER II.—*Disposition and Allotment of National Internal Revenue in General*

SEC. 362. *Disposition of national internal revenue in general.*—National internal revenue collected and not applied

as hereinabove provided or otherwise specially disposed of by law shall accrue to the National Treasury and shall be available for the general purposes of the Government, with the exception of the amounts set apart by way of allotment under the next succeeding section.

SEC. 363. *Allotment of national internal revenue for special purposes.*—Of the national internal revenue accruing to the National Treasury under the preceding section, there shall be set apart twenty *per centum* to be distributed as follows:

Five *per centum* as a provincial allotment; five *per centum* as a road and bridge allotment; and ten *per centum* as a municipal allotment: *Provided, however, That, instead of twenty per centum, only sixteen per centum shall be set apart as provincial, road and bridge, and municipal allotments, in the same proportion as specified above, during the fiscal year nineteen hundred and thirty-nine and nineteen hundred and forty; eighteen per centum during the fiscal year nineteen hundred and forty and nineteen hundred and forty-one; and twenty per centum during the fiscal years thereafter.*

The basis of the allotment shall be the collection during the preceding fiscal year except that for the fiscal year nineteen hundred and thirty-nine to nineteen hundred and forty, the basis shall be the collection during the year nineteen hundred and thirty-eight: *Provided, however, That in case the collection for the current fiscal year is greater or less than the collection for the preceding fiscal year, necessary adjustment shall be made in the following fiscal year.*

SEC. 364. *Apportionment of provincial allotment.*—The provincial allotment shall be distributed among the provinces, and shall accrue in equal proportions to their general funds and road and bridge funds.

SEC. 365. *Apportionment and use of municipal allotment.*—The municipal allotment shall be for the benefit of the inhabitants of the Philippines in the purview of their community requirements, being available for municipal or other use as hereinbelow provided.

In regularly organized provinces containing non-Christian inhabitants, so much of the municipal allotment avail-

able for a particular province as pertains to its non-Christian inhabitants shall accrue to its non-Christian inhabitants' fund.

In specially organized provinces, so much of the municipal allotment available for a particular province as does not pertain to municipalities or chartered cities shall accrue to the municipal district and settlement fund of such province.

Such part of the municipal allotment as is not applied as hereinabove provided shall be distributed among the various municipalities and shall accrue in equal proportions to their general funds and school funds.

CHAPTER III.—*Miscellaneous Provisions*

SEC. 366. *Status of cities, municipal districts, and other local governmental divisions.*—For purposes of the allotment of national internal revenue, a municipal district, or other local governmental division not constituting part of a municipality proper, shall have the status of a municipality and shall be deemed to be included under the term "municipality" as used in this Title.

Chartered cities shall receive the shares which they would receive if they were both a municipality and a regularly organized province, and for the purposes hereof shall be deemed to be both the one and the other.

SEC. 367. *Apportionment to be based upon census population.*—Apportionment of national internal revenue under the provisions of this Title shall be based on population as shown by the latest official census.

SEC. 368. *Payment of allotments.*—The payment of the internal-revenue allotments shall be made from the National Treasury quarterly, upon warrants drawn by the Collector of Internal Revenue.

TITLE XIII.—REPEALING PROVISIONS

SEC. 369. *Laws repealed.*—The Acts or parts of Acts enumerated in the following schedule are repealed:

SCHEDULE OF REPEALED ACTS.

(a) *Acts Repealed in their Entirety*

Acts Numbered Two thousand eight hundred and thirty-three, Two thousand nine hundred and twenty-six, Three

thousand and twenty-six, Three thousand and ninety-seven, Three thousand two hundred and forty-three, Three thousand six hundred and five, and Three thousand seven hundred and sixty-one; Commonwealth Acts Numbered One hundred and seventeen, One hundred and twenty-eight, and One hundred and ninety-five.

(b) *Acts Repealed in Part*

PORTIONS REPEALED

Acts Numbered—

Two thousand one hundred and fifty-two, sections twenty-two and twenty-three.

Two thousand six hundred and thirteen, section eight only.

Two thousand seven hundred and eleven, otherwise known as the Revised Administrative Code, Chapter nineteen; Chapter forty, as amended by Acts Numbered Two thousand seven hundred and thirty-three, Two thousand seven hundred and seventy-five, Two thousand eight hundred and thirty-five, Two thousand eight hundred and ninety-two, Two thousand nine hundred and twenty-five, Two thousand nine hundred and seventy-one, Three thousand and thirty-one, Three thousand and forty-seven, Three thousand and seventy-four, Three thousand and eighty-two, Three thousand two hundred and forty-six, Three thousand two hundred and forty-eight, Three thousand two hundred and seventy-four, Three thousand two hundred and ninety-three, Three thousand five hundred and twenty-six, Three thousand six hundred and six, Three thousand six hundred and eighty-five, Three thousand seven hundred and nine, Three thousand seven hundred and twelve, Three thousand seven hundred and thirteen, Three thousand eight hundred sixty-seven, Three thousand nine hundred and sixty-three, and Four thousand and fifty-eight, and Commonwealth Acts Numbered One hundred and six, One hundred and twenty-two, One hundred and thirty-five, Two hundred and three, Two hundred and fifteen, Two hundred and forty-three, Two hundred and fifty-one, and Four hundred and eleven; Article XII, of Chapter sixty-six, as amended by Acts Numbered Two thousand eight hundred and thirty-three, Two thou-

sand eight hundred and thirty-five, Three thousand six hundred and six, and Three thousand seven hundred and thirteen, and Commonwealth Acts Numbered One hundred and thirty-seven and Two hundred and seven.

Two thousand nine hundred and eighty-four, section two, as amended by Act Numbered Three thousand eight hundred sixty-five.

Three thousand nine hundred and ninety-seven, sections two, three, four, and five, the last two sections as amended by Commonwealth Act Numbered Three hundred and forty-one.

Commonwealth Act Numbered One hundred and thirty-seven, sections seventy-nine and eighty-eight:

Provided, That paragraphs (k), (q), (r), (s), (t), and (v) of section One thousand four hundred and sixty-four, paragraphs (k), (o), (p), (q), (r), and (t) of section one thousand four hundred and sixty-five and section one thousand four hundred and sixty-seven, all of Act Numbered Two thousand seven hundred and eleven, and section two of Act Numbered Two thousand nine hundred and eighty-four, as amended by Act Numbered Three thousand eight hundred and sixty-five, shall be considered repealed only after the cities and municipalities shall have lawfully taxed the businesses specified in said paragraphs (k), (q), (r), (s), (t), and (v) of said section one thousand four hundred and sixty four of Act Numbered Two thousand seven hundred and eleven and in section two of Act Numbered Two thousand nine hundred and eighty-four, as amended, at rates not less than those prescribed therein: *Provided, further*, That section one thousand four hundred and fifty-nine also of Act Numbered Two thousand seven hundred and eleven and Act Numbered Three thousand two hundred and forty-three, shall be considered repealed only upon proclamation by the President of the Philippines of the approval by the President of the United States of section 187 of this Code: *And provided, finally*, That nothing in this section shall be construed as affecting any tax exemption granted by any Act not specifically mentioned in this section.

TITLE XIV—FINAL PROVISIONS

SEC. 370. *Separability clause.*—If any clause, sentence, paragraph, or part of this Code shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of said Code, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy.

SEC. 371. *Effective date.*—When section 187 of this Code shall have been approved by the President of the United States, as provided in section two, subsection (a), paragraph nine of the Act of Congress of March twenty-four, nineteen hundred and thirty-four, entitled, "An Act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes," such fact shall be made known by proclamation of the President of the Philippines, and said section 187 of this Code shall take effect on the date of said proclamation.

Except as otherwise specifically provided, this Code shall take effect on July first, nineteen hundred and thirty-nine.

Approved, June 15, 1939.



[COMMONWEALTH ACT NO. 503]

AN ACT TO AMEND CERTAIN SECTIONS OF THE
NATIONAL INTERNAL REVENUE CODE

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section one hundred eighty-seven of Commonwealth Act Numbered Four hundred and sixty-six is amended to read as follows:

"SEC. 187. *Percentage tax on consignments abroad.*—

Every merchant or producer not herein specifically exempted, shall pay a tax of one and one-half *per centum* of the gross value in money of the commodities, goods, wares, and merchandise consigned abroad by him, such tax to be based on the actual selling price or value of the things in question at the time they are consigned abroad, whether consisting of raw materials or of manufactured or partially manufactured products or whether of domestic or foreign origin: *Provided*, That the tax prescribed in this section shall not be imposed on (a) articles upon which the tax prescribed in sections 184, 185, 186, and 189 has previously been paid; (b) articles imported into the Philippines and re-exported from the same in their original condition by the importer; and (c) minerals and mineral products when consigned abroad by the lessee, concessionaire, or owner of the mineral land from which removed. The tax upon things consigned abroad shall be refunded upon satisfactory proof of the return thereof to the Philippines unsold, subject to the limitation established in section 309 of this Code."

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SEC. 2. Section one hundred eighty-eight of Commonwealth Act Numbered Four hundred and sixty-six is amended to read as follows:

"SEC. 188. *Transactions and persons not subject to percentage tax.*—In computing the tax imposed in sections 184, 185, and 186, transactions in the following commodities shall be excluded:

"(a) Things subject to tax under Title IV of this Code.

"(b) Agricultural products and the ordinary salt when sold, bartered, or exchanged in this country by the producer or owner of the land where produced, whether in their original state or not: *Provided*, That in the case of hemp, whether stripped or unstripped, sugar cane, unhusked rice or *palay*, coconut, corn, and copra, no tax shall be collected, except when they are consigned abroad, in which case the tax prescribed in section 187 shall be due and payable, irrespective of whether the consignor is the producer thereof or not, or whether or not he is a merchant.

"(c) Minerals and mineral products when sold, bartered, or exchanged in this country by the lessee, concessionaire, or owner of the mineral land from which removed.

"(d) Articles subject to tax under section 189 of this Code.

"The following persons shall be exempt from the percentage taxes imposed in sections 184, 185, and 186:

"(a) Persons whose gross quarterly sales or receipts do not exceed five hundred pesos.

"(b) All persons engaged in the sale of food products, cooked foods, or refreshments at retail in public market places whose gross annual sales do not exceed twenty thousand pesos and all persons engaged in public market places exclusively in the sale at retail of domestic meat, fruits, vegetables, game, poultry, fish, and other domestic food products.

"(c) Peddlers and sellers at fixed stands and other similar selling places engaged exclusively in the sale at retail of domestic meat, fruits, vegetables, game, poultry, fish, and similar domestic food products, whose total stock in trade in any one day does not reach a retail value of fifty pesos.

“(d) Producers of commodities of all classes working in their own homes, consisting of parents and children living as one family, when the value of each day’s production by each person capable of working is not in excess of five pesos.”

SEC. 3. Section one hundred eighty-nine of Commonwealth Act Numbered Four hundred and sixty-six is amended to read as follows:

“SEC. 189. *Percentage tax upon proprietors or operators of rope factories, sugar centrals, rice mills, coconut oil mills, corn mills, and desiccated coconut factories.*—Proprietors or operators of rope factories, sugar centrals, rice mills, coconut oil mills, corn mills, and desiccated coconut factories shall pay a tax equivalent to one and one-half *per centum* of the gross value in money of all the rope, sugar, rice, coconut oil, ground or milled corn, and desiccated coconut manufactured or milled by them including the by-products of the raw materials from which the said articles are produced or manufactured such tax to be based on the actual selling price or market value of these articles at the time they leave the factory or mill warehouse: *Provided, however,* That in the case of a proprietor or operator of a rice or corn mill, the tax herein imposed shall not be collected in respect of rice or corn milled which does not exceed thirty cavanese a year for every single owner.

In case the raw materials are manufactured or milled in pursuance of a contract where the factory, central, or mill receives a share of the finished products, the tax on the share pertaining to the planter or owner of the raw materials shall be charged to the planter or owner and withheld by the proprietor or operator of the factory, central, or mill and paid by him to the Collector of Internal Revenue.

A proprietor or operator of a refined sugar factory shall be subject to the tax imposed by this section but shall be permitted to deduct from the actual selling price or market value of the refined sugar the total cost, as duly established, of the raw sugar upon which the tax under this section has previously been paid.

Where articles are manufactured out of materials subject to tax under this section, the total cost, as duly established, of the said materials shall be deductible from the gross selling price or gross value in money of the manufactured articles."

SEC. 4. Section one hundred ninety of Commonwealth Act Numbered Four hundred and sixty-six is amended to read as follows:

"SEC. 190. *Compensating tax*.—All persons residing or doing business in the Philippines, who purchase or receive from without the Philippines any commodities, goods, wares, or merchandise, excepting those subject to specific taxes under Title IV of this Code, shall pay on the total value thereof at the time they are received by such persons, including freight, postage, insurance, commission, and all similar charges, a compensating tax equivalent to the percentage tax imposed under this Title on original transactions effected by merchants, importers, or manufacturers, such tax to be paid upon the withdrawal or removal of said commodities, goods, wares, or merchandise from the customhouse or the post office: *Provided, however*, That merchants, importers, and manufacturers, who are subject to tax under sections 184, 185, 186, 187; and 189 of this Title shall not be required to pay the tax herein imposed where such commodities, goods, wares, or merchandise purchased or received by them from without the Philippines are to be sold, resold, bartered, or exchanged or where the same are to be used in the manufacture or preparation of articles for sale, barter, or exchange and are to form part thereof.

The tax herein imposed shall not be assessed or collected on any single shipment consigned to any single person when the total value of such shipment does not exceed fifty pesos. Goods brought by residents returning from abroad, the value of which does not exceed fifty pesos, are exempt from this tax."

SEC. 5. As used in sections 184, 185, and 186 of Commonwealth Act Numbered Four hundred sixty-six, the phrase "original sale, barter, or exchange" shall be con-

strued to mean the first sale, barter, or exchange of articles by every manufacturer, producer, or importer: *Provided, however,* That where the taxes prescribed in said sections have not been collected on articles, the original sales of which are subject to tax, in the possession of any merchant, the first sale, barter, or exchange of said articles on or after the approval of this Act shall be considered as an original sale, barter, or exchange and shall be subject to tax at the rates prescribed in said sections 184, 185, and 186.

SEC. 6. This Act shall take effect on October first, nineteen hundred and thirty-nine, except sections one and four which shall be effective only when the same shall have been approved by the President of the United States, as provided in section two, subsection (a), paragraph nine of the Act of Congress of March twenty-four, nineteen hundred and thirty-four, entitled, "An Act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of Government for the Philippine Islands, and for other purposes," and such approval shall have been made known by proclamation of the President of the Philippines.

Approved, October 16, 1939.

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[COMMONWEALTH ACT NO. 516]

AN ACT TO AMEND SUBSECTION (u) OF SECTION EIGHTY-FOUR OF COMMONWEALTH ACT NUMBERED FOUR HUNDRED AND SIXTY-SIX, OTHERWISE KNOWN AS THE NATIONAL INTERNAL REVENUE CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Subsection (u) of section eighty-four of Commonwealth Act Numbered Four hundred and sixty-six is amended to read as follows:

"(u) The term 'alien' and 'foreign government' shall be deemed to include the citizens and Government of the United States, including the political subdivisions thereof: *Provided, however,* That citizens of the United States residing in the Philippines shall not be subject to taxation under this Title as to their compensation paid by the Government of the United States or political subdivisions thereof for personal services rendered in the Philippines in compliance with orders from the Government of the United States, and as to their incomes derived from sources within the United States, and no return thereof is required to be made."

SEC. 2. This Act shall take effect as of January first, nineteen hundred and forty.

Approved, April 18, 1940.

42850



[COMMONWEALTH ACT No. 523]

AN ACT TO AMEND SECTION TWO HUNDRED AND FIFTY-FIVE OF THE NATIONAL INTERNAL REVENUE CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section two hundred and fifty-five of Commonwealth Act Numbered Four hundred and sixty-six is amended to read as follows:

"SEC. 255. *Tax on insurance premiums.*—There shall be collected from every person, company, or corporation (except purely coöperative companies or associations) doing insurance business of any sort in the Philippines a tax of one *per centum* of the total premiums collected during the first ten years of his or its organization or establishment, irrespective of the place thereof, and one and one-half *per centum* of the total premiums collected thereafter, whether such premiums are paid in money, notes, credits, or any substitute for money, but premiums refunded within six months after payment on account of rejection of risk or returned for other reason to person insured shall not be included in the taxable receipts; nor shall any tax be paid upon reinsurance by a company that has already paid the tax; nor upon premiums collected or received by any branch of a domestic corporation, firm or association doing business outside the Philippines on account of any life insurance of the insured who is a nonresident, if any percentage tax on such premiums is imposed by the foreign country where the branch is established.

"Coöperative companies or associations' are such as are conducted by the members thereof with money collected from among themselves and solely for their own protection and not for profit."

SEC. 2. This Act shall take effect as of January first, nineteen hundred and forty.

Approved, May 10, 1940.

[COMMONWEALTH ACT No. 525]

AN ACT TO REPEAL SUBSECTION (b) OF SECTION ONE HUNDRED AND EIGHTY-FOUR AND TO AMEND SUBSECTION (a) OF SECTION ONE HUNDRED AND EIGHTY-FIVE OF COMMONWEALTH ACT NUMBERED FOUR HUNDRED AND SIXTY-SIX.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Subsection (b) of section one hundred and eighty-four of Commonwealth Act Numbered Four hundred and sixty-six is repealed.

SEC. 2. Subsection (a) of section one hundred and eighty-five of the same Act is amended to read as follows:

“(a) Automobile chassis and bodies, the selling price of which does not exceed two thousand five hundred pesos each: *Provided*, That if the selling price of an automobile exceeds two thousand five hundred pesos, the excess amount shall also be taxed in accordance with the provisions of section one hundred and eighty-four hereof. A sale of automobile shall, for the purposes of this section, be considered to be a sale of the chassis and of the body together with parts and accessories with which the same are usually equipped;”

SEC. 3. This Act shall take effect upon its approval.
Approved, May 10, 1940.

43323



[COMMONWEALTH ACT No. 526]

AN ACT TO AMEND SECTION TWO HUNDRED AND
FOUR OF THE NATIONAL INTERNAL REVENUE
CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section two hundred and four of Commonwealth Act Numbered Four hundred and sixty-six is amended by adding at the end of the first paragraph the following proviso:

"Provided, That merchants, importers, or manufacturers whose gross sales during the last preceding year exceed twenty thousand pesos shall, for each sale, issue an invoice, irrespective of the value of the article sold."

SEC. 2. This Act shall take effect as of January first, nineteen hundred and forty.

Approved, May 10, 1940.

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[COMMONWEALTH ACT No. 567]

AN ACT TO ADJUST AND STABILIZE THE SUGAR INDUSTRY AND TO RAISE REVENUE FOR THE PURPOSE BY INCREASING THE TAX ON THE MANUFACTURE OF SUGAR AND IMPOSING A TAX ON THE OWNERS OF SUGAR LANDS HELD BY OTHERS UNDER LEASE OR OTHER CONTRACT GRANTING THE RIGHT TO USE SAID LANDS FOR A CONSIDERATION.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. *Declaration of emergency and policy.*—The existence of the sugar industry is threatened by the imposition of the export taxes under the provisions of Public Act Numbered One hundred twenty-seven of the Congress of the United States, approved March twenty-four, nineteen hundred and thirty-four, as amended by Public Act Numbered Three hundred, approved August seven, nineteen hundred and thirty-nine, and the eventual loss of its preferential position in the United States market. An extensive investigation of the facts relating to the industry has shown that there is a great disparity in the proportion of the benefits being received from the industry by each of its component elements. The industry, as at present constituted, is in effect a monopoly on the part of those actually engaged therein, and for this reason, and because of its position in the national economy, is affected with a public interest. The foregoing conditions have produced a state of emergency in the industry, so that it becomes necessary to adopt immediate measures to forestall its com-

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plete disruption. It is, therefore, declared to be the national policy to obtain a readjustment of the benefits derived from the sugar industry by the component elements thereof—the mill, the landowner, the planter of the sugarcane, and the laborers in the factory and in the field. It is, likewise, declared to be the national policy to stabilize the sugar industry so as to prepare it for the eventuality of the loss of its preferential position in the United States market and the imposition of the export taxes.

SEC. 2. In addition to the percentage tax on the gross receipts of proprietors or operators of sugar mills, provided in section one hundred eighty-nine of the National Internal Revenue Code, all proprietors or operators of mills producing centrifugal sugar shall pay the basic tax of two centavos on every picul of the total marketable sugar manufactured by them; and, further, the additional tax to increase progressively at the rate of five centavos on every picul of the total marketable sugar manufactured for every one *per centum* by which the share of the mill in the sugar manufactured from the sugar cane belonging to others exceeds forty but does not exceed forty-five *per centum* of the total thereof and ten centavos on every picul for each one *per centum* by which such share exceeds forty-five *per centum*: *Provided*, That the aforesaid taxes shall be collected from and paid by the proprietors or operators of sugar mills exclusively, and any agreement under which the burden of the tax or of a part thereof is directly or indirectly shifted to the planters is declared unlawful: *Provided, further*, That the President of the Philippines may, in the case of particular proprietors or operators of sugar mills, waive, from year to year, any or all of the tax herein levied, except the basic tax of two centavos, when, in view of the peculiar conditions affecting such mills, the provisions of this Act cannot be enforced as against them without being unduly oppressive and/or confiscatory.

SEC. 3. When any land devoted to the cultivation of sugar cane is ceded to others by the owner or by the person in control thereof, for a consideration, under a contract

of lease or otherwise, such owner or the person in control thereof shall pay a tax equivalent to the difference between the money value of the rental or consideration collected and the amount representing twelve *per centum* of the assessed value of such land.

SEC. 4. The taxes provided in this Act shall be collected by the Collector of Internal Revenue under such rules and regulations as may be prescribed by the Secretary of Finance; and it shall be the duty of every person subject to the tax hereunder to make on the first day of July, nineteen hundred and forty, and on the first day of July of each year thereafter, a true and complete return of his total production or of the total rental or consideration received by him during the preceding twelve months, as well as the percentage of participation given to the planters milling their sugar cane in their mills or the assessed value of the sugar land given to others, and to pay the tax due thereon within thirty days from said date.

SEC. 5. All general and special penal provisions in Title XI of Commonwealth Act Numbered Four hundred and sixty-six, otherwise known as the National Internal Revenue Code, in so far as applicable and consistent with the provisions of this Act, are extended and made applicable to violations of any provisions of this Act or of the regulations to be promulgated by the Secretary of Finance. All special and general administrative provisions of law relative to returns, assessment, remission, collection, and refund of internal-revenue taxes, and consistent with the provisions of this Act, are made extensive and applicable to the taxes herein imposed.

SEC. 6. All collections made under this Act shall accrue to a special fund in the Philippine Treasury, to be known as the "Sugar Adjustment and Stabilization Fund," and shall be paid out only for any or all of the following purposes or to attain any or all of the following objectives, as may be provided by law:

First, to place the sugar industry in a position to maintain itself, despite the gradual loss of the preferential posi-

tion of Philippine sugar in the United States market, and ultimately to insure its continued existence notwithstanding the loss of that market and the consequent necessity of meeting competition in the free markets of the world;

Second, to readjust the benefits derived from the sugar industry by all of the component elements thereof—the mill, the landowner, the planter of the sugar cane, and the laborers in the factory and in the field—so that all might continue profitably to engage therein;

Third, to limit the production of sugar to areas more economically suited to the production thereof; and

Fourth, to afford labor employed in the industry a living wage and to improve their living and working conditions: *Provided*, That the President of the Philippines may, until the adjournment of the next regular session of the National Assembly, make the necessary disbursements from the fund herein created (1) for the establishment and operation of sugar experiment station or stations and the undertaking of researches (a) to increase the recoveries of the centrifugal sugar factories with the view of reducing manufacturing costs, (b) to produce and propagate higher yielding varieties of sugar cane more adaptable to different district conditions in the Philippines, (c) to lower the costs of raising sugar cane, (d) to improve the burning quality of denatured alcohol from molasses for motor fuel, (e) to determine the possibility of utilizing the other by-products of the industry, (f) to determine what crop or crops are suitable for rotation and for the utilization of excess cane lands, and (g) on other problems the solution of which would help rehabilitate and stabilize the industry, and (2) for the improvement of living and working conditions in sugar mills and sugar plantations, authorizing him to organize the necessary agency or agencies to take charge of the expenditure and allocation of said funds to carry out the purposes hereinbefore enumerated, and, likewise, authorizing the disbursement from the fund herein created of the necessary amount or amounts needed for salaries,

wages, travelling expenses, equipment, and other sundry expenses of said agency or agencies.

SEC. 7. If any clause, sentence, paragraph, or part of this Act shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of said Act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy.

SEC. 8. This Act shall take effect upon its approval.

Approved, June 7, 1940.

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[COMMONWEALTH ACT No. 162]

AN ACT AMENDING SECTION FOUR HUNDRED AND NINETY-NINE OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, OTHERWISE KNOWN AS THE REVISED ADMINISTRATIVE CODE, REGARDING THE RIGHT OF MILITARY AUTHORITIES TO EJECT INTRUDERS FROM MILITARY RESERVATIONS.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section four hundred and ninety-nine of the Revised Administrative Code is hereby amended to read as follows:

"SEC. 499. *Right of military authorities to eject intruders.*—The military authorities of the United States and of the Commonwealth of the Philippines shall have the right to eject any intruder or trespasser on any public lands reserved for military purposes in the Philippines, and to suppress open breaches of the peace and abate nuisances thereon."

SEC. 2. This Act shall take effect upon its approval.

Approved, November 9, 1936.

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[COMMONWEALTH ACT No. 632]

AN ACT TO AMEND SECTION FIVE HUNDRED FIFTEEN OF THE ADMINISTRATIVE CODE

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section five hundred fifteen of the Administrative Code is amended to read as follows:

"SEC. 515. *General requirement as to branding and registration—How and before whom effected.*—All large cattle which have attained the age of two years must be branded and registered, as provided in this chapter, and it shall be the duty of the owner or other person in possession of cattle not thus branded or registered to cause the same to be effected in conformity with the provisions of this chapter.

All such cattle found within the jurisdiction of any municipality shall be branded on the right forearm with the registered brand of the owner and counterbranded on the left forearm with the registered brand of the municipality in which they are found. The municipal and owner's brands shall not be more than two and one-half inches long and two inches wide in size.

The branding shall be done in the presence of the mayor, the municipal treasurer, and the municipal secretary, or their representatives, who shall, at the request of the owner, repair to the place where the cattle is, if there are more than ten heads to be branded; and in places not in an organized municipality, in the presence of at least three persons appointed for the purpose by the provincial governor.

Large cattle kept by the National Government need not be branded or registered.

Cattle imported for immediate slaughter need not be branded or registered, but their importation and slaughter shall be subject to the regulations of the Director of Animal Industry relative to quarantine, inspection, and animal sanitation."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 10, 1941.

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[COMMONWEALTH ACT No. 261]

AN ACT TO AMEND SECTION FIVE HUNDRED AND SIXTY-SEVEN OF THE ADMINISTRATIVE CODE

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section five hundred and sixty-seven of the Administrative Code is amended so as to read as follows:

"SEC. 567. *Authority of the President of the Philippines to execute contracts relative to real property.*—When the Commonwealth of the Philippines is party to a deed conveying the title of real property or is party to any lease or other contract relating to real property belonging to said Government, said deed or contract shall be executed on behalf of said Government by the President of the Philippines or by an officer duly designated by him, unless authority to execute the same is by law expressly vested in some other officer."

SEC. 2. This Act shall take effect on its approval.

Approved, April 21, 1938.

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 149

AUTHORIZING THE SECRETARY TO THE PRESIDENT TO SIGN CERTAIN DEEDS OR CONTRACTS

Whenever the Government of the Commonwealth of the Philippines is party to a deed conveying the title of real property, or is party to any lease or other contract relating to real property belonging to said Government and the authority to execute the same is not by law expressly vested in any other officer, the Secretary to the President is hereby designated, pursuant to the authority conferred upon me by section one of Commonwealth Act Numbered Two hundred and sixty-one, entitled "An Act to amend section five hundred and sixty-seven of the Administrative Code," to sign said deed or contract for the President of the Philippines.

Done at the City of Baguio, this twenty-second day of April, in the year of Our Lord, nineteen hundred and thirty-eight, and of the Commonwealth of the Philippines, the third.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 32

PRESCRIBING UNIFORM FEES FOR COPIES OF OFFICIAL RECORDS
AND DOCUMENTS FURNISHED PRIVATE PERSONS AND EN-
TITIES.

In order that all Bureaus and offices of the Government should charge a uniform rate of fees (where there is no specific provision of law fixing such fees) for copies of official records and documents furnished private persons and entities under section five hundred seventy-two of the Revised Administrative Code, the following schedule is hereby issued for the information and guidance of all concerned:

1. For every one hundred words or fraction thereof, typewritten (not including the certificate and any notation) ₱0.20
2. Where the copy to be furnished is in a printed form, in whole or in part, for each page (double this fee if there are two pages in a sheet)..... .50
3. For each certificate of correctness (with seal of office) written on the copy or attached thereto..... .50
4. For copies furnished other Bureaus, offices, and branches of the Government for official business (except those copies required by the court at the request of the litigants, in which case charges should be in accordance with the schedule above)..... Free
5. For taking photographic copies, per page..... 0.30
(If the photographic copy is to be furnished by the office itself, the cost of the plates, developing and printing should be collected in addition to the above fee of ₱0.30 per page).

Executive Order Numbered Five hundred forty-two, dated December twenty-eighth, nineteen hundred and thirty-four, is hereby revoked.

Done at the City of Manila, this twenty-fifth day of May, in the year of Our Lord, nineteen hundred and thirty-six, and of the Commonwealth of the Philippines, the first.

MANUEL L. QUEZON
President of the Philippines

By the President:

ELPIDIO QUIRINO

Secretary of the Interior

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[COMMONWEALTH ACT No. 373]

AN ACT CHANGING THE OFFICIAL FISCAL YEAR FROM THE PERIOD JANUARY FIRST TO DECEMBER THIRTY-FIRST OF THE CALENDAR YEAR TO THE PERIOD FROM JULY FIRST OF EACH CALENDAR YEAR TO JUNE THIRTIETH OF THE CALENDAR YEAR IMMEDIATELY FOLLOWING.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section six hundred and two of the Administrative Code, is amended so as to read as follows:

"SEC. 602. *Official fiscal year.*—The fiscal year of all branches of the Government of the Commonwealth of the Philippines shall be the period beginning with the first day of July of each calendar year and ending with the thirtieth day of June of the calendar year immediately following."

SEC. 2. Wherever in any law of the Philippines any word or expression is used which hitherto has been construed to mean or to refer to a fiscal year ending with the thirty-first day of December, the same shall hereafter be construed to mean or to refer to a fiscal year as hereinbefore defined, when applied to any period of twelve months after the thirtieth day of June, nineteen hundred and thirty-nine; and wherever the words "thirty-first day of December" appear as denoting the last day of fiscal year, the words "thirtieth day of June" shall be considered as substituted for the same purposes of construction.

SEC. 3. All reports and statements covering the fiscal year heretofore required by law to be rendered annually by any

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officer of the Government of the Commonwealth of the Philippines or of any branch thereof, and of the government of any political division or subdivision of the Philippines, shall be rendered as soon as practicable after the first of July of each year and shall cover the fiscal year ending June thirtieth immediately preceding, except the reports to be rendered after the first of July of nineteen hundred and thirty-nine, which shall cover only the six months beginning January first, nineteen hundred and thirty-nine and ending on June thirtieth, nineteen hundred and thirty-nine.

SEC. 4. The fiscal year nineteen hundred and thirty-nine shall terminate on June thirtieth, nineteen hundred and thirty-nine. The fiscal year beginning July first, nineteen hundred and thirty-nine and ending on June thirtieth, nineteen hundred and forty shall be known as "the fiscal year nineteen hundred and forty."

SEC. 5. This Act shall take effect on July first, nineteen hundred and thirty-nine.

Approved, August 23, 1938.

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 92

PLACING UNDER THE CONTROL OF THE DIVISION OF PURCHASE AND SUPPLY ALL UNUSED AND DORMANT SUPPLIES AND EQUIPMENT OF THE NATIONAL GOVERNMENT, AND REQUIRING THE APPROVAL OF THE COMMISSIONER OF THE BUDGET ON ALL REQUISITIONS AND ORDERS FOR SUPPLIES, MATERIALS, FURNITURE, AND EQUIPMENT.

Whereas it has come to the attention of this Office that in many Bureaus and offices of the National Government there exist considerable quantities of unused furniture and equipment and dormant supplies and materials;

Whereas other Bureaus and offices, which are not aware of the existence of such unused and dormant supplies, materials, furniture, and equipment, may be able to use them instead of buying new articles of similar kind;

Whereas public interest demands that these unused and dormant articles be properly utilized, or otherwise disposed of, and that accumulation of unnecessary or excessive stock of supplies and equipment in the future must be avoided;

Whereas more effective supervision and control in the purchase and issue of supplies, materials, furniture, and equipment are necessary in order that the expenditure of the authorized appropriations for consumption of supplies and materials and for purchase of furniture and equipment may be made with the utmost economy;

Now, therefore, by virtue of the powers vested in me by the Constitution and existing laws, I, Manuel L. Quezon, President of the Philippines, in order to avoid unnecessary

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or extravagant expenditure of public funds, do hereby order and decree that—

(1) Under the control and direction of the Secretary of Finance, the Division of Purchase and Supply shall receive and store in its warehouses all the unused or dormant supplies, materials, furniture, and equipment now existing or which may exist hereafter in all the different branches of the National Government, shall take care of said articles, account for them, cause them, if necessary, to be repaired or placed in condition for appropriate use, appraise their value, which in no case should exceed the current market price, and cause them to be issued to any branch of the Government that may requisition or order for similar articles charging therefor their appraised value.

(2) From the date of the issuance of this Executive Order, no Head of Department or Chief of Bureau, office, or dependency of the National Government shall be authorized to hold any supplies, materials, furniture, or equipment which are not in actual and current use or the use of which may not have been definitely determined, and such officials are hereby directed to transfer to the Division of Purchase and Supply without cost, under the provisions of section six hundred forty-one of the Administrative Code, all unused or dormant articles now existing.

(3) Upon receipt of a requisition or order for any article, the Purchasing Agent shall first see if there is a similar article in the stock of the Division of Purchase and Supply, and if there be any, he shall issue the article on hand to the requisitioning Bureau or office, instead of buying a new one.

(4) Before sending any requisition or order to the corresponding Head of Department, Chiefs of Bureaus and offices are hereby enjoined to secure a certificate of the respective accounting officer on the requisition or order, as to the availability of an appropriation to cover the payment of the cost of the articles requisitioned or ordered. Failure to comply with this requirement shall render the responsible

official personally liable for the payment of the articles so requisitioned or ordered.

(5) Hereafter, requisitions or orders for supplies, materials, furniture, and equipment for use in any branch of the National Government sent to the Division of Purchase and Supply, or to the commercial houses and dealers concerned in the case of purchases made under the direct order and payment system, shall be coursed through the Budget Office. The Commissioner of the Budget shall carefully examine all requisitions and orders received by his office and shall see to it that only articles that are necessary for the service and whose cost is not excessive or extravagant, are purchased. Should said official find any item in such requisitions or orders which he considers unnecessary or extravagant, he shall suspend further action on the questioned item and bring the matter to the attention of the Department Head concerned. In case of disagreement between any Department Head and the Commissioner of the Budget, the matter shall be submitted to the President for decision.

(6) No article of any kind that is intended to be purchased with public funds shall be received in any Bureau or office of the National Government unless the corresponding requisition or order therefor has been approved by the Commissioner of the Budget, except in case of emergency, in which event the corresponding requisition or order shall be immediately submitted in the usual course, bearing a notation that the article requisitioned has already been delivered and a statement of the nature of the emergency.

Done at the City of Manila, this twenty-third day of January, in the year of Our Lord, nineteen hundred and thirty-seven, and of the Commonwealth of the Philippines, the second.

MANUEL L. QUEZON
President of the Philippines

By the President:
ELPIDIO QUIRINO
Secretary of the Interior

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 126

TRANSFERRING FROM THE DIVISION OF PURCHASE AND SUPPLY TO THE BUDGET OFFICE THE CONTROL OF UNUSED AND DORMANT SUPPLIES AND EQUIPMENT OF THE NATIONAL GOVERNMENT AND EXTENDING THE APPLICATION OF EXECUTIVE ORDER NUMBERED NINETY-THREE, CURRENT SERIES, TO ORDERS FOR THE MANUFACTURE OF SUPPLIES, MATERIALS, FURNITURE AND EQUIPMENT, AND FOR REPAIR OF FURNITURE AND EQUIPMENT, INCLUDING THOSE FILED WITH BUREAUS AND OFFICES OTHER THAN THE DIVISION OF PURCHASE AND SUPPLY.

Executive Order Numbered Ninety-three, current series, is hereby amended to read as follows:

"Whereas, it has come to the attention of this Office that in many bureaus and offices of the National Government there exist considerable quantities of unused furniture and equipment and dormant supplies and materials;

"Whereas, other Bureaus and offices, which are not aware of the existence of such unused and dormant supplies, materials, furniture and equipment, may be able to use them instead of buying new articles of similar kind;

"Whereas, public interest demands that these unused and dormant articles be properly utilized, or otherwise disposed of, and that accumulation of unnecessary or excessive stock of supplies and equipment in the future must be avoided;

"Whereas, more effective supervision and control in the purchase and issue of supplies, materials, furniture and equipment are necessary in order that the expenditure of the

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authorized appropriations for consumption of supplies and materials and for purchase and repair of furniture and equipment may be made with the utmost economy;

"Now, therefore, by virtue of the powers vested in me by the Constitution and existing laws, I, Manuel L. Quezon, President of the Philippines, in order to avoid unnecessary or extravagant expenditure of public funds, do hereby order and decree that—

"(1) The Budget Office shall receive and properly store all unused or dormant supplies, materials, furniture and equipment now existing or which may exist hereafter in all the different branches of the National Government. It shall take care of said articles, account for them, cause them, if necessary, to be repaired or placed in condition for appropriate use, appraise their value, which in no case should exceed the current market price, and cause them to be issued to any branch of the Government that may requisition or order for similar articles charging therefor their appraised value.

"(2) From the date of the issuance of this Executive Order, no Head of Department or Chief of Bureau, office, or dependency of the National Government shall be authorized to hold any supplies, materials, furniture or equipment which are not in actual and current use or the use of which may not have been definitely determined, and such officials are hereby directed to transfer to the Budget Office without cost, under the provisions of section six hundred forty-one of the Administrative Code, all unused or dormant articles now existing.

"(3) After approving a requisition or order for any article, as required in paragraph five hereof, the Commissioner of the Budget shall first see if there is a similar article in stock in the Budget Office, and if there be any, and the Head of Department concerned approves the requisition or order, he shall cause the article on hand to be issued to the requisitioning Bureau or office and the elimination of the corresponding item from the requisition or order.

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"(4) Except in emergency cases, before filing any requisition or order for the purchase or manufacture of supplies, materials, furniture or equipment, or for the repair of any furniture or equipment, Chiefs of Bureaus and offices are hereby enjoined to secure a certificate of the respective accounting officer on the requisition or order, as to the availability of an appropriation to cover the payment of the cost thereof. When, for any reason, the total cost involved in a requisition or order exceeds the amount certified by the accounting officer as available for the purpose, further certification of the said accounting officer as to the availability of the necessary additional fund must be secured before the requisition or order should be allowed to be filled or performed. In case of an emergency, the required certification from the accounting officer may be secured subsequent to the placing of the requisition or order, but it should be done at the first opportunity. Failure to comply with this requirement shall render the responsible official personally liable for the payment of the articles so requisitioned or ordered, or of the cost of the repairs made, as the case may be.

"(5) Hereafter, requisitions or orders for the purchase or manufacture of supplies, materials, furniture and equipment, for use in any branch of the National Government sent to the Division of Purchase and Supply, Bureau of Printing, Government Marine Railway and Repair Shops, or any other Government Bureau or office, or to commercial houses and dealers or private manufacturing or repair shops, shall be coursed through the Budget Office. The Commissioner of the Budget shall carefully examine all requisitions and orders received by his office and shall see to it that only articles that are necessary for the service and whose cost is not excessive or extravagant, are purchased or manufactured. Should said official find any item in such requisitions or orders which he considers unnecessary or extravagant, he shall suspend further action on the questioned item and bring the matter to the attention of the Department

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Head concerned. In case of disagreement between any Department Head and the Commissioner of the Budget, the matter shall be submitted to the President for decision.

"(6) No article of any kind, the cost of which is intended to be paid from public funds, shall be received in any Bureau or office of the National Government unless the corresponding requisition or order therefor has been approved by the Commissioner of the Budget, except in case of emergency or in the class of direct purchases authorized by Department Orders Numbered Seventy-three and Seventy-four of the former Department of Commerce and Communications, in which event the corresponding requisition or order shall be immediately submitted in the usual course, bearing a notation that the article requisitioned or ordered has already been delivered, and a statement of the nature of the emergency.

Done at the City of Manila, this fourth day of November, in the year of Our Lord, nineteen hundred and thirty-seven, and of the Commonwealth of the Philippines, the second.

MANUEL L. QUEZON
President of the Philippines

By the President:
ELPIDIO QUIRINO
Secretary of the Interior

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 302

SUPERSEDING EXECUTIVE ORDER NUMBERED NINETY-THREE, AS AMENDED BY EXECUTIVE ORDER NUMBERED ONE HUNDRED AND TWENTY-SIX, BOTH SERIES OF NINETEEN HUNDRED AND THIRTY-SEVEN, PROVIDING FOR THE CONTROL OF UNUSED AND DORMANT SUPPLIES AND EQUIPMENT OF THE NATIONAL GOVERNMENT AND PRESCRIBING THE PROCEDURE TO BE FOLLOWED IN MAKING REGULAR AND EMERGENCY PURCHASES OF SUPPLIES, MATERIALS, FURNITURE AND EQUIPMENT AND IN ORDERING REPAIRS OF FURNITURE AND EQUIPMENT.

Whereas it has come to the attention of the Chief Executive that in many bureaus and offices of the National Government there exist considerable quantities of unused furniture and equipment and dormant supplies and materials, and public interest demands that these unused and dormant articles be properly utilized, or otherwise disposed of, and the accumulation of unnecessary or excessive stock of supplies and equipment in the future avoided;

Whereas more effective supervision and control in the purchase and issue of supplies, materials, furniture and equipment and in the making of repairs are necessary in order that the expenditure of the authorized appropriations for consumption of supplies and materials and for purchase and repair of furniture and equipment may be made with the utmost economy and at the same time delays be minimized in the acquisition of such articles or the completion of such repairs;

Now, therefore, by virtue of the powers vested in me by the Constitution and existing laws, I, Manuel L. Quezon, President of the Philippines, do hereby order and decree that—

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(1) The General Auditing Office shall receive and properly store all unused or dormant supplies, materials, furniture and equipment now existing or which may exist hereafter in all the different branches of the National Government. It shall take care of said articles, account for them, cause them, if necessary, to be repaired or placed in condition for appropriate use, appraise their value, which in no case should exceed the current market price, and cause them to be issued at the said appraised value to any branch of the Government that may requisition or order similar articles;

(2) From the date of the issuance of this Executive Order, no Head of Department or Chief of Bureau, Office or dependency of the National Government shall be authorized to hold any supplies, materials, furniture or equipment which are not in actual and current use or the use of which may not have been definitely determined, and such officials are hereby directed to transfer to the General Auditing Office without cost, under the provisions of section six hundred and forty-one of the Administrative Code, all unused or dormant articles now existing or which may exist hereafter: *Provided*, That if such supplies or equipment are taken from the stock of any self-supporting government entity operating from revolving funds, such supplies and equipment shall be transferred to the entity needing same at a fair appraised value and said amount credited to the fund from which the article was purchased;

(3) Before filing any requisition or order for the purchase or manufacture of supplies, materials, furniture, or equipment, or for the repair of any furniture or equipment, chiefs of bureaus and offices shall, except in emergency cases, as provided in paragraph (6) hereof, secure a certificate from their respective auditors as to the availability of an appropriation to cover the payment of the estimated cost thereof. In case the amount of funds to be certified as available for a certain requisition or order can not be definitely determined until after the work has been commenced or completed, an estimated amount needed to cover at least the major portion of its probable cost should be specified in the requisition or order so that the auditor may set aside and

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certify thereon enough fund to cover at least the initial cost and more or less ascertain whether the requisitioning bureau or office will be able to eventually meet the obligation so contracted. When, for any reason, the cost of any item in a given requisition or order exceeds the amount certified by the auditor as available therefor, further certification of the said auditor as to the availability of additional fund for that particular item and the corresponding approval of the Auditor General must be secured before the article in question should be allowed to be purchased or while the work order is being executed. Any excess amount in the estimated price of any item in a requisition or order should not be used to cover a deficiency in the estimated cost of any other item therein. Once a regular requisition or order has been acted upon by the General Auditing Office, no subsequent increase in the estimated price and/or quantity of any item therein shall be permitted without the consent of the requisitioning bureau or office and the approval of the Auditor General;

(4) Requisitions or orders for the purchase or manufacture of supplies, materials, furniture and equipment, or for the repair of furniture and equipment, for use in any branch of the National Government, addressed to the Division of Purchase and Supply, Bureau of Printing, Government Marine Railway and Repair Shops, Bureau of Prisons, or any other government bureau or office, or to commercial houses and dealers or private manufacturing or repair shops, shall, except as provided in paragraph (6) hereof, be coursed thru the General Auditing Office for approval. The Auditor General shall carefully investigate all requisitions and orders received by his Office and shall see to it that only articles and repairs that are necessary for the service and whose cost is not excessive or extravagant are purchased, manufactured or made. He shall also see if there are articles in the stock of the General Auditing Office which are similar to, or will serve the same purpose as, those requisitioned or ordered, and if there be any and the Department head concerned approves the requisition or order, he shall cause the article on hand to be issued to the requisitioning bureau or office

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and the elimination of the corresponding item from the requisition or order. Should he find any item in such requisitions or orders which he considers unnecessary or extravagant, he shall suspend further action on the questioned item and take up the matter with the corresponding bureau or office. Should the requisitioning bureau or office insist in its requisition or order, the case should be brought to the attention of the Department Head concerned. In case of disagreement between the Department Head and the Auditor General, the matter shall be submitted to the President for decision. Under no circumstance shall a suspended item in a requisition or order be purchased or performed unless the question raised by the General Auditing Office has been definitely decided by proper authorities;

(5) Upon receipt of any requisition or order forwarded to the Department Head concerned for approval, he shall carefully scrutinize it with a view of avoiding any unnecessary expenditure on the part of the National Government, especially in the acquisition of luxurious equipment or the purchase of articles at extravagant or excessive prices when similar ones at more economical cost will serve the purpose just as well;

(6) In cases of emergency, where the need for the supplies, materials, furniture, equipment or repair of an equipment is exceptionally urgent or absolutely indispensable to prevent immediate danger to, or loss of, life and/or property, or to avoid detriment to the public service, bureaus and offices of the National Government may make emergency purchases or place emergency requisitions and repair or manufacturing orders without first coursing same thru the prescribed channels: *Provided*, That immediately after the emergency purchase has been made, or the requisition or order placed, the chief of the bureau or office concerned shall submit a regular requisition or order to cover such purchase, manufacture or repair, showing thereon (a) a complete description of the articles acquired or of the work done or to be performed; (b) by whom furnished, executed or to be executed; (c) date

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of acquisition or execution; (d) the unit price and the amount paid or contracted therefor; (e) a clear explanation of the circumstances why the article or repair was urgently needed or why a regular requisition or order could not be previously coured as required without causing detriment to the public service; and (f) a certificate to the effect that the price paid or contracted for was the lowest obtainable at the time of purchase or order. In all such cases, requisitions covering emergency purchases or emergency work orders must invariably bear the necessary certificate of the auditor as to the availability of fund for the purpose before they are submitted to the General Auditing Office for approval;

(7) Failure to comply with the above requirements, particularly as to the certificate of availability of funds and the approval of the Auditor General and the Department Head, may render the official responsible for the placing of the requisition or order personally liable for the payment of the articles so requisitioned or ordered, or for the cost of the repairs made.

(8) This Order shall supersede Executive Order Numbered Ninety-three, as amended by Executive Order Numbered One hundred and twenty-six, both series of nineteen hundred and thirty-seven, and any other orders or circulars inconsistent herewith.

Done at the City of Manila, this twenty-sixth day of September, in the year of Our Lord, nineteen hundred and forty, and of the Commonwealth of the Philippines, the fifth.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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[COMMONWEALTH ACT NO. 177]

AN ACT AMENDING AND REPEALING SOME OF THE PROVISIONS OF CHAPTER TWENTY-SEVEN OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, COMMONLY KNOWN AS THE ADMINISTRATIVE CODE OF NINETEEN HUNDRED AND SEVENTEEN, AND PROVIDING FUNDS TO DEFRAID THE NECESSARY EXPENSES DUE TO THE EXTENSION OF THE CIVIL SERVICE LAW TO ALL BRANCHES AND SUBDIVISIONS OF THE GOVERNMENT.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Subsection (f) of section six hundred and sixty-one of the Administrative Code is hereby amended to read as follows:

“(f) To prepare and certify to the President of the Philippines such rules as may be adapted to the more effectual carrying out of the provisions and purposes of the Civil Service Law and to the securing of an efficient administration of the Government within the scope of the Civil Service Law, such rules to be effective when approved by the President of the Philippines and promulgated in an executive order.”

SEC. 2. Section six hundred and sixty-two of the Administrative Code is hereby amended to read as follows:

“SEC. 662. *Matters to be prescribed in civil-service rules.*—The civil-service rules shall, among other things, prescribe the conditions which shall govern certification from eligible registers, appointments to the service, separa-

tions therefrom, suspensions, deductions from pay, reductions, reinstatements, and transfers, and shall define the procedure to be followed in such matters. They shall also contain regulations concerning the hours of labor, the allowance of leave of absence (including the withholding of salary for leave granted), and the allowance of travel expenses and half salary of persons entitled thereto—all in conformity with the provisions of this Code. The rules shall also prohibit any discrimination in the appointment of eligibles by reason of the ratings obtained in the examination, and the political activity and engaging in any private business, vocation, or profession, of persons in the civil service."

SEC. 3. Section six hundred and sixty-three of the Administrative Code is hereby amended to read as follows:

"SEC. 663. *Fundamental requirements as to civil-service rules.*—Any civil-service rules promulgated by the President of the Philippines upon the recommendation of the Commissioner of Civil Service shall be consistent with the following fundamental requirements:

"(a) As far as practicable open competitive entrance examinations shall always be required and/or given to test the merit and fitness of applicants for positions now classified or to be classified hereunder.

"(b) Promotion examinations, competitive or noncompetitive, shall be prescribed when practicable.

"(c) A thorough physical examination by a Government physician shall be required of every applicant for examination in the Civil Service. Persons found to be physically unfit for efficient service shall be rejected.

"(d) A period of trial service shall be required before appointment or employment is made permanent."

SEC. 4. Section six hundred and sixty-six of the Administrative Code is hereby amended to read as follows:

"SEC. 666. *Publication of Official Roster.*—From the records kept by the Commissioner of Civil Service shall be published an Official Roster at intervals determined by the President of the Philippines."

SEC. 5. Section six hundred and sixty-seven of the Administrative Code is hereby amended to read as follows:

"SEC. 667. *Annual Report of Commissioner of Civil Service.*—The annual report of the Commissioner of Civil Service to the President of the Philippines shall contain an account of the work performed by the Bureau of Civil Service, a statement of the rules certified to the President of the Philippines and promulgated by him and the practical effect thereof, to which shall be added suggestions and recommendations for the effectual maintenance of an efficient and honest civil service in all the administrative branches of the Government."

SEC. 6. Section six hundred and sixty-eight of the Administrative Code is hereby amended to read as follows:

"SEC. 668. *Persons embraced in Philippine Civil Service.*—The Philippine civil service shall embrace all branches and subdivisions of the Government; and appointments therein, except as to those which are policy-determining, primarily confidential, or highly technical in nature, shall be made only according to merit and fitness, to be determined as far as practicable by competitive examination."

SEC. 7. Section six hundred and sixty-nine of the Administrative Code is hereby repealed.

SEC. 8. Section six hundred and seventy-one of the Administrative Code is hereby amended to read as follows:

"SEC. 671. *Persons embraced in unclassified service.*—The following officers and employees constitute the unclassified service:

"(a) A secretary, a sergeant-at-arms, and such other officers as may be required and chosen by the National Assembly in accordance with the Constitution.

"(b) Officers, other than the provincial treasurers and Assistant Directors of Bureaus or Offices, appointed by the President of the Philippines, with the consent of the Commission on Appointments of the National Assembly, and all other officers of the Government whose appointments are by law vested in the President of the Philippines alone.

"(c) Elective officers.

"(d) The Secretaries, technical assistants and private secretaries to the President of the Philippines, one private secretary and one assistant private secretary to the Vice President of the Philippines, and those, to the several Heads of Departments.

"(e) The secretarial and office staff of the Speaker and of each Member of the National Assembly.

"(f) One private secretary to each Justice of the Supreme Court.

"(g) Members of the commissioned and enlisted service of the Army and Navy of the Philippines.

"(h) Laborers whose rate of compensation is not more than two pesos per day.

"(i) Persons in the military, naval, or civil service of the United States who may be detailed for the performance of duties with the Government of the Commonwealth.

"(j) Secretaries of provincial boards, assistant provincial fiscals, provincial wardens, provincial sheriffs, deputy provincial sheriffs, and secret agents.

"(k) Members of the various faculties and other teaching force of the University of the Philippines, including the Business Director and the Registrar of said institution.

"(l) Positions which may be declared by the President of the Philippines, upon recommendation of the Commissioner of Civil Service, as policy determining, primarily confidential, or highly technical in nature.

"(m) Deputy governors and special agents of the specially organized provinces of Lanao, Cotabato, Sulu, and Mountain Province."

SEC. 9. Section six hundred and seventy-two of the Administrative Code is hereby amended to read as follows:

"SEC. 672. *Examination as prerequisite to appointment.*—No person shall be appointed to or employed in any position in the classified service until he passes the examination provided therefor: *Provided, however,* That persons now regularly and permanently employed in any branch or subdivision of the Government, whose positions are or may hereafter be classified by operation of the Constitution and

of this Act may, unless separated by proper authority, continue in the service for the term of three years from January first, nineteen hundred and thirty-seven: *Provided*, That they shall be given three chances to qualify: *And provided, finally*, That all employees who, upon the approval of this Act, have rendered ten years or more of continuous and satisfactory service in a classified position or in a position which may be subject to classification, shall be given practical examination in which their length of satisfactory service shall be accorded preferred consideration."

SEC. 10. Section six hundred and seventy-three of the Administrative Code is hereby amended to read as follows:

"SEC. 673. *Positions in unclassified service not subject to examination requirements.*—The examination requirements of the Civil Service Law for entrance into the civil service or for promotion therein shall not apply to positions in the unclassified service, unless the officer making the appointment shall so direct."

SEC. 11. Section six hundred and seventy-four of the Administrative Code is hereby amended to read as follows:

"SEC. 674. *Examining committees and special examiners; their incidental expenses.*—The Commissioner of Civil Service may, with approval of the proper Head of Department, appoint examining committees or special examiners from officers and employees in the service. Such persons shall be examiners of the Commissioner of Civil Service and shall perform such duties as the Commissioner of Civil Service may require in connection with examinations, investigations, appointments, and promotions; and in the performance of such duties, they shall be under his exclusive control. The duties so performed by them shall be deemed part of the duties of the office to which they pertain, and time shall be allowed for the performance of such duties during office hours. All incidental expenses incurred by them shall be borne by the respective bureaus or offices, provinces, cities, municipalities, or Government boards, corporations, or enterprises, for whose benefit the examinations are held."

SEC. 12. Section six hundred and seventy-five of the Administrative Code is hereby amended to read as follows:

"SEC. 675. *Citizenship as qualification for admission to examination.*—No applicant shall be admitted to any examination who is not a citizen of the Philippines or of the United States."

SEC. 13. Section six hundred and seventy-seven of the Administrative Code is hereby amended to read as follows:

"SEC. 677. *Oath of applicant for examination.*—Before admission to a civil service examination in the Philippines, every applicant shall take and subscribe an oath, in such form as shall be prescribed in the civil service rules, wherein the affiant shall declare that he recognizes and accepts the supreme authority of the United States of America and will maintain true faith and allegiance thereto; that he will support and defend the Constitution of the Philippines, obey the laws, legal orders, and decrees promulgated by its duly constituted authorities; that the obligation imposed by such oath is assumed voluntarily, without mental reservation or purpose of evasion; and that the answers to the questions contained in his application for examination are true to the best of his knowledge and belief."

SEC. 14. Section six hundred and seventy-nine of the Administrative Code is hereby amended to read as follows:

"SEC. 679. *Filling of vacancies.*—Appointment to the position of chief or assistant chief of a bureau or office and to any other position in the classified service shall be made by the promotion of persons in the competitive service, if there be such who are competent and available and who in the judgment of the appointing power possess the qualifications required."

SEC. 15. Section six hundred and eighty of the Administrative Code is hereby repealed.

SEC. 16. Section six hundred and eighty-two of the Administrative Code is hereby amended to read as follows:

"SEC. 682. *Temporary and emergency employees.*—Temporary appointment without examination and certification by the Commissioner of Civil Service or his local representa-

tive shall not be made to a competitive position in any case, except when the public interests so require, and then only upon the prior authorization of the Commissioner of Civil Service; and any temporary appointment so authorized shall continue only for such period not exceeding three months as may be necessary to make appointment through certification of eligibles, and in no case shall extend beyond thirty days from receipt by the chief of the bureau or office of the Commissioner's certification of eligibles. Violation of this provision will render such chief of the bureau or office responsible for the payment of salary to such person employed contrary to law as hereinafter provided. It shall be the duty of the Commissioner of Civil Service to provide a register of eligibles as soon as practicable prior to the expiration of the period of temporary employment."

SEC. 17. Section six hundred and eighty-three of the Administrative Code is hereby repealed.

SEC. 18. Section six hundred and eighty-six of the Administrative Code is hereby amended to read as follows:

"SEC. 686. *Office records of attendance.*—Each chief of a bureau or office shall cause to be kept on a proper form a daily record showing for each day any absence of any employee from duty, due to any cause, and the duration thereof. At the beginning of each month, he shall make full report to the Commissioner of Civil Service of the absences shown by such records for the preceding month. Falsification of time records shall render the offender liable to summary removal from the service and subject him to prosecution as provided by law."

SEC. 19. Section six hundred and eighty-seven of the Administrative Code is hereby amended to read as follows:

"SEC. 687. *Political activity and contributions to political fund prohibited.*—Officers and employees in the civil service, including members of the armed forces, whether classified or unclassified, permanent or temporary, except those holding elective positions, shall not engage directly or indirectly in partisan political activity or take part in any election except to vote; and they shall not be under obliga-

tion to contribute to a political fund or to render any political service, nor shall they be removed or otherwise prejudiced for refusing to contribute or render any such service; and no officer or employee in the Philippine civil service shall directly or indirectly solicit, collect, or receive from any other officer or employee, any money or other valuable thing to be applied to the promotion of any political object whatever.

"Any person violating any provision hereof shall be removed from office or dismissed from the service and shall be subject also to prosecution as provided by law."

SEC. 20. Section six hundred and ninety-two of the Administrative Code is hereby amended to read as follows:

"SEC. 692. *Liability of disbursing officer for pay of such person.*—When the Commissioner of Civil Service finds that any person is holding a position in the classified service in violation of law, he shall certify such fact to the Auditor General and to the disbursing officer through whom the payment of salary or wages to such person is by law required to be made. If the Auditor General finds that a disbursing officer has paid or permitted to be paid salary or wages to any person illegally holding a classified position, the whole amount paid shall be disallowed and the disbursing officer shall not receive credit for the same unless the Auditor General shall find that the chief of the bureau or office is responsible, as above provided, for the payment of such person and that such payment is not due to the failure of the disbursing officer to obtain the evidence required in section six hundred and ninety hereof. In case the disbursing officer is not responsible for the illegal payment, he shall be directed to withhold from the salary of the chief of the Bureau or office responsible for the illegal employment an amount equal to that disallowed by the Auditor General."

SEC. 21. Section six hundred and ninety-three of the Administrative Code is hereby amended to read as follows:

"SEC. 693. *Opinion of Commissioner of Civil Service on controverted questions related to service.*—A disbursing

officer, the head of any department, bureau, or office, or the Auditor General, may apply for, and the Commissioner of Civil Service shall render, a decision upon any question as to whether a position is in the classified or in the unclassified civil service, or whether the appointment of any person to a classified position has been made in accordance with law, which decision, when rendered, shall be final unless reversed by the President of the Philippines on appeal."

SEC. 22. Section six hundred and ninety-four of the Administrative Code is hereby amended to read as follows:

"SEC. 694. *Removal or suspension.*—No officer or employee in the civil service shall be removed or suspended except for cause as provided by law.

"The President of the Philippines may suspend any chief or assistant chief of a bureau or office, and in the absence of special provision, any other officer appointed by him, pending an investigation of charges against such officer or pending an investigation of his bureau or office. With the approval of the proper head of department, the chief of a bureau or office may likewise suspend any subordinate or employee in his bureau or under his authority pending an investigation, if the charge against such subordinate or employee involves dishonesty, oppression, or grave misconduct or neglect in the performance of duty."

SEC. 23. Section six hundred and ninety-five of the Administrative Code is hereby amended to read as follows:

"SEC. 695. *Administrative discipline of subordinate officers and employees.*—For neglect of duty or violation of reasonable office regulations, or in the interest of the public service, the Commissioner of Civil Service may remove any subordinate officer or employee from the service, suspend him without pay for not more than two months, reduced his salary or compensation, or deduct therefrom any sum not exceeding one month's pay."

SEC. 24. Section six hundred and ninety-seven of the Administrative Code is hereby amended to read as follows:

"SEC. 697. *Contract to be executed by appointee coming from United States.*—A person residing in the United

States, who contemplates accepting an appointment in the Philippine civil service shall, before receiving such appointment, execute contract, wherein he shall agree to remain in the service of the Government of the Philippines for at least two years unless released by the President of the Philippines or proper head of department.

"Upon breach of such contract by the appointee or upon his removal for cause, he shall be liable for any sum still due to the Government for expenses in bringing him to the Philippines, and all salary and travel expenses then due or accruing to him shall be withheld as forfeited, and he shall be thereafter debarred from again entering any branch of the Philippine service."

SEC. 25. To defray the necessary expenses consequent upon the approval of this Act due to the extension of the Civil Service Law to the municipalities and all other branches and subdivisions of the Government, there is hereby appropriated out of any funds in the National Treasury not otherwise appropriated, the sum of forty thousand pesos.

SEC. 26. This Act shall take effect upon its approval.
Approved, November 13, 1936.

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 328

REGULATING THE REAPPOINTMENT OR REINSTATEMENT OF
OFFICERS AND EMPLOYEES WHO RESIGN TO ENGAGE IN
POLITICAL ACTIVITY.

Whereas it has been observed that certain officers or employees in the Philippine civil service resign their positions shortly before elections for the purpose of launching their candidacies for elective positions or of promoting and working for the candidacies of others, evidently with the understanding that should they fail to get elected and their candidates should win, they would be reappointed to the same or higher positions in the Government; and

Whereas such practice is prejudicial to the government service as it tends to involve public functionaries and employees in partisan politics, aside from successfully circumventing and avoiding the civil service rules and regulations prohibiting pernicious political activity on the part of civil service employees;

Now, therefore, by virtue of the authority conferred upon me by section 661 (f) of the Revised Administrative Code, as amended by Commonwealth Act No. 177, and upon recommendation of the Commissioner of Civil Service and the Secretary of the Interior, I, Manuel L. Quezon, President of the Philippines, do hereby order that a government officer or employee who resigns within three months of any election, whether national or local, for the purpose of launching his candidacy or of promoting the candidacy of another, shall be ineligible for reappointment or reinstatement in the

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government service for a period of six months after such election.

Done at the City of Manila, this nineteenth day of February, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS
Secretary to the President

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[COMMONWEALTH ACT No. 477]

AN ACT TO INCLUDE ALL DEPUTY GOVERNORS
AND SPECIAL AGENTS OF THE SPECIALLY OR-
GANIZED PROVINCES AMONG OFFICERS EM-
BRACED IN UNCLASSIFIED SERVICE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Subsection (m) of section six hundred and seventy-one of the Administrative Code, as amended by Commonwealth Act Numbered One hundred and seventy-seven, is amended to read as follows:

“(m) Deputy governors and special agents of specially organized provinces.”

SEC. 2. This Act shall take effect upon its approval.

Enacted, without Executive approval, June 18, 1939.

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 264

APPOINTMENT AND SEPARATION OF SECRET AGENTS OR DETECTIVES
AND CONFIDENTIAL EMPLOYEES

Whereas it is desirable in the interest of good administration and efficient service that there should be a uniform procedure governing the appointment and separation of secret agents or detectives and persons holding positions primarily confidential in nature in the various branches or agencies of the Government;

Now, therefore, I, Manuel L. Quezon, President of the Philippines, by virtue of the powers vested in me by law, do hereby promulgate the following regulations:

(1) Hereafter no appointment to the position of secret agent or detective under the provisions of Section 671(j) of the Administrative Code, as amended by Commonwealth Act No. 177, or to any position in the provincial and city government which may be declared by the President as primarily confidential in nature under the provisions of section 671(l) of the same Code, shall be made by the governor or city mayor, as the case may be, without the approval of the Secretary of the Interior.

(2) Appointments to positions in the National Government similar in nature to those in the preceding paragraph shall be submitted by the Department Head concerned to the President for approval.

(3) Where the appointing officer deems it necessary to terminate the services of a person appointed under the provisions of paragraphs 1 and 2 hereof for lack of trust or

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confidence, and the person to be separated has qualified in a civil service examination, advice of such separation shall state clearly the reasons therefor.

(4) When a person appointed under the provisions of paragraphs 1 and 2 hereof is to be disciplined or separated for any of the causes enumerated in section 695 of the Administrative Code, as amended by Commonwealth Act No. 177, action shall be taken by the Commissioner of Civil Service under the powers granted him by said section 695 of the Administrative Code and Executive order No. 39 dated June 23, 1936, in accordance with the procedure prescribed by civil service rules and regulations.

Done at the City of Manila, this first day of April, in the year of Our Lord, nineteen hundred and forty, and of the Commonwealth of the Philippines, the fifth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 163

DEPUTIZING CHAIRMEN OF PROVINCIAL CIVIL SERVICE EXAMINING COMMITTEES TO PROVISIONALLY AUTHORIZE FOR THE COMMISSIONER OF CIVIL SERVICE APPOINTMENTS IN THE LOCAL PROVINCIAL AND MUNICIPAL BRANCHES OF THE GOVERNMENT.

Pursuant to the provisions of section six hundred seventy-four of the Administrative Code, as amended by Commonwealth Act Numbered One hundred seventy-seven, and in order to expedite payment of salaries to newly-appointed employees holding classified positions in the provincial and municipal branches of the Government, I, Manuel L. Quezon, President of the Philippines, hereby authorize the Chairmen of Provincial Civil Service Examining Committees to approve provisionally all appointments in the provincial and municipal branches, except those involving promotion or increase in salary which should be sent direct by the appointing officer to the Bureau of Civil Service for action. All appointments, therefore, whether temporary, probational, by transfer or reinstatement, should be sent by the provincial or municipal officer making the appointment to the Chairman of the Provincial Civil Service Examining Committee for provisional authority and such authority shall be sufficient warrant for payment of salary.

After provisional authority has been granted, the appointment should be immediately forwarded in triplicate, together with three copies of the letter provisionally authorizing it, to the Commissioner of Civil Service who will forward those appointments that require approval by the President or by the Head of a Department to the correspond-

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ing official for action. Where the appointing official is himself the Chairman of the Committee the papers should be transmitted to the Bureau of Civil Service for original action.

The Commissioner of Civil Service shall issue such instructions as may be deemed necessary to carry out the purpose of this Order.

Done at the City of Manila, this sixth day of September, in the year of Our Lord, nineteen hundred and thirty-eight, and of the Commonwealth of the Philippines, the third.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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[COMMONWEALTH ACT No. 281]

AN ACT TO FURTHER AMEND SECTION SIX HUNDRED AND EIGHTY-TWO OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, AS AMENDED BY SECTION SIXTEEN OF COMMONWEALTH ACT NUMBERED ONE HUNDRED AND SEVENTY-SEVEN, SO AS TO EXTEND THE TEMPORARY APPOINTMENT OF TEACHERS UNTIL THE END OF THE SCHOOL SEMESTER.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section six hundred and eighty-two of Act Numbered Twenty-seven hundred and eleven, as amended by section sixteen of Commonwealth Act Numbered One hundred and seventy-seven, is further amended so as to read as follows:

"SEC. 682. *Temporary and emergency employees.*—Temporary appointment without examination and certification by the Commissioner of Civil Service or his local representative shall not be made to a competitive position in any case, except when the public interests so require, and then only upon the prior authorization of the Commissioner of Civil Service; and any temporary appointment so authorized shall continue only for such period not exceeding three months as may be necessary to make appointment through certification of eligibles, and in no case shall extend beyond thirty days from receipt by the chief of the bureau or office of the Commissioner's certification of eligibles: *Provided*, That in the case of teachers, such temporary appointment may be authorized to continue for a period not exceeding one school semester, or until eligibles who meet the

desired qualifications are certified for employment, but not sooner than the beginning of a school semester. Violation of these provisions will render such chief of the bureau or office responsible for the payment of salary to such person employed contrary to law as hereinafter provided. It shall be the duty of the Commissioner of Civil Service to provide a register of eligibles as soon as practicable prior to the expiration of the period of temporary employment."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 3, 1938.

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[COMMONWEALTH ACT NO. 598]

AN ACT RELATING TO THE PROCEDURE IN THE
ADMINISTRATIVE DISCIPLINE OF SUBORDI-
NATE OFFICERS AND EMPLOYEES IN THE
CIVIL SERVICE AND CREATING A CIVIL SERV-
ICE BOARD OF APPEALS.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section six hundred and ninety-five of the Revised Administrative Code, as amended by section twenty-three of Commonwealth Act Numbered One hundred and seventy-seven, is further amended to read as follows:

"SEC. 695. *Administrative discipline of subordinate officers and employees.*—The Commissioner of Civil Service shall have exclusive jurisdiction over the removal, separation and suspension of subordinate officers and employees in the Civil Service and over all other matters relating to the conduct, discipline, and efficiency of such subordinate officers and employees, and shall have exclusive charge of all formal administrative investigations against them. He may, for neglect of duty or violation of reasonable office regulations, or in the interest of the public service, remove any subordinate officer or employee from the service, suspend him without pay for not more than two months, reduce his salary or compensation, or deduct therefrom any sum not exceeding one month's pay. From any decision of the Commissioner of Civil Service on administrative investigations, an appeal may be taken by the officer or employee concerned to the Civil Service Board of Appeals within thirty days after receipt by him of the decision."

SEC. 2. There shall be a Civil Service Board of Appeals composed of three members to be appointed by the President of the Philippines with the consent of the Com-

mission on Appointments of the National Assembly from among persons already in the Government service, and who shall hold office for a period of one year from the date of their appointment unless sooner relieved by the President. The President shall designate the chairman of the Board. The Civil Service Board of Appeals shall have the power and authority to hear and decide all administrative cases brought before it on appeal, and its decisions in such cases shall be final, unless reversed or modified by the President of the Philippines. In order to carry out its functions and to perform its duties properly, the Civil Service Board of Appeals may adopt such rules and regulations as it may deem proper and convenient for the conduct of cases brought before it and may utilize the services of such employees of the Bureau of Civil Service as it may require.

SEC. 3. The Civil Service Board of Appeals created under Executive Order Numbered Thirty-nine, dated June twenty-third, nineteen hundred and thirty-six, confirmed by Resolution Numbered Forty-five of the First National Assembly, approved September thirtieth, nineteen hundred and thirty-six, is abolished and all the cases now pending before it, together with its unexpended appropriation, equipment and supplies, shall be transferred to the Civil Service Board of Appeals herein created.

SEC. 4. This Act shall take effect upon its approval.

Approved, August 19, 1940.

46604



[COMMONWEALTH ACT No. 84]

AN ACT TO PROVIDE COMPENSATION OR ALLOWANCES TO EMPLOYEES OF THE MUNICIPAL GOVERNMENTS IN CASE OF INJURY, DEATH, OR SICKNESS INCURRED IN PERFORMANCE OF DUTY, BY AMENDING SECTION SIX HUNDRED AND NINETY-NINE OF THE ADMINISTRATIVE CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section six hundred and ninety-nine of Act Numbered Twenty-seven hundred and eleven, known as the Administrative Code, is hereby amended to read as follows:

“SEC. 699. *Allowances in case of injury, death, or sickness incurred in performance of duty.*—When a person in the Philippine civil service or in the service of the government of a municipality or municipal district is so injured in the performance of duty as thereby to receive some actual physical hurt or wound, the proper Head of Department may direct that absence during any period of disability thereby occasioned shall be on full pay, though not for more than six months, and in such case he may in his discretion also authorize the payment of the medical attendance, necessary transportation, subsistence, and hospital fees of the injured person. Absence in the case contemplated shall be charged first against vacation leave, if any there be.

“If a person in such service is killed or dies of injuries received or sickness contracted in line of duty, the Department head may authorize the payment of reasonable

burial expenses and of three months' salary or wages to the widow or dependent child or children of such deceased person, which shall be in accord with his efficiency and service to the Government.

"In case sickness follows as a direct and immediate consequence of the performance of some act in the line of duty the Department head may in his discretion authorize the payment of the necessary hospital fees.

"For employees of the City of Manila the time allowance and disbursements contemplated above shall not be granted except upon recommendation of the Municipal Board of the city, with the prior approval of the Secretary of the Interior; in the case of employees of a provincial government, upon the recommendation of the provincial board; and in the case of employees of a municipal or municipal district government, upon the recommendation of the municipal council or municipal district president, as the case may be."

SEC. 2. This Act shall take effect upon its approval.

Approved, October 26, 1936.

3006



[COMMONWEALTH ACT No. 75]

AN ACT ABOLISHING THE BUREAU OF NON-CHRISTIAN TRIBES AND MAKING THE NECESSARY PROVISIONS FOR THE ADMINISTRATIVE ADJUSTMENTS RESULTING THEREFROM, INCLUDING THE CREATION OF THE POSITION OF COMMISSIONER FOR MINDANAO AND SULU.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The Bureau of Non-Christian Tribes is hereby abolished as a separate Bureau and all the powers, functions, and duties conferred upon it by existing laws shall hereafter be exercised by the Secretary of the Interior.

SEC. 2. There shall be in the Department of the Interior a Commissioner for Mindanao and Sulu with the rank and salary of Undersecretary of Department who shall perform such duties as may be assigned to him by the Secretary of the Interior and such as may be imposed upon him by law in the administration of the special provinces, municipalities, and municipal districts in Mindanao and Sulu. His seat of office shall be at Lanao or at such other place in Mindanao and Sulu as may be designated by the President according to the requirements and exigencies of the service.

SEC. 3. Besides his administrative functions, the Commissioner shall also be charged with the duty of directing the general development work in Mindanao and Sulu and such other activities as may, from time to time, be authorized by the National Government for the development of said region. To coördinate the development work, the Commissioner shall

call upon the authorized representatives of the executive offices in Mindanao and Sulu for consultation in matters pertaining to their respective activities.

SEC. 4. The public funds and property of the Bureau of Non-Christian Tribes shall be transferred to the Department of the Interior, which is hereby authorized to make the necessary transfers thereof to the proper branches of the public service. The Secretary of the Interior is further authorized, subject to the approval of the President, to make arrangements as to the details and other items of the general and special appropriations for the non-Christian population and the Bureau of Non-Christian Tribes for the fiscal years nineteen hundred and thirty-six and nineteen hundred and thirty-seven specifying the positions to be continued or created in the Department of the Interior, and fixing their respective titles and compensations. The total expenditure shall not exceed the sums now appropriated and available for said purposes.

SEC. 5. The officials of the National Government, with the approval of the proper Department Head, may be detailed, in addition to their actual duties, to perform the duties in connection with the supervision and control of the special provinces, municipalities, and municipal districts in Mindanao and Sulu.

SEC. 6. Chapter twenty-eight of the Revised Administrative Code is hereby repealed.

SEC. 7. This Act shall take effect upon its approval.

Approved, October 24, 1936.

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No. 4163.—AN ACT TO AMEND SECTION SEVEN HUNDRED AND SEVENTY-TWO OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, KNOWN AS THE ADMINISTRATIVE CODE, AS AMENDED BY ACT NUMBERED THIRTY-SIX HUNDRED AND NINE.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section seven hundred and seventy-two of Act Numbered Twenty-seven hundred and eleven, known as the Administrative Code, as amended, is hereby further amended to read as follows:

"SEC. 772. *Examination requirement—Foreign physicians.*—Except as otherwise especially provided, all applicants for registration under the provisions of this chapter shall be subjected to examination as hereinafter provided: *Provided, however,* That no foreign physicians or medical men shall be admitted to examination unless the country of which he is a subject or citizen permits Filipino physicians to practice within its territorial limits. In case, however, Filipino physicians are permitted to practice and are practicing the medical profession in the country of the applicant under certain conditions and limitations, then similar conditions and limitations shall, in addition to those now required or that may hereafter be required by Philippine law, also be imposed upon him in connection with the practice of his profession in these islands. It shall be incumbent upon the applicant to furnish the Board of Medical Examiners evidence or laws of his country, to prove in what manner Filipino physicians are permitted to practice medicine in that particular country."

SEC. 2. The provisions of the foregoing section shall not be applicable to those physicians who, by their special training, are universally known as experts in their line and those who may be contracted by the Government.

SEC. 3. All acts or parts of acts which are inconsistent with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect upon its approval.

Approved, December 1, 1934.

MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 153

REORGANIZING THE PHILIPPINE CONSTABULARY INTO A NATIONAL
POLICE FORCE

Pursuant to the provisions of Commonwealth Act Numbered Three hundred forty-three, entitled "An Act to abolish the State Police Force, to reorganize the Philippine Constabulary into a National Police Force and providing funds therefor," the Philippine Constabulary is hereby constituted as The National Police.

I. The Philippine Constabulary

1. The Philippine Constabulary and all police duties, authority, and responsibility pertaining thereto are hereby removed from the jurisdiction of the Chief of Staff of the Army of the Philippines and will hereafter be administered by the Chief of Constabulary in conformity with applicable laws and with the instructions contained herein.

2. The Philippine Constabulary shall be composed of such officers and enlisted men as may be detailed thereto from the Philippine Army with the approval of the President. It will be organized and controlled in all its echelons independently of the Philippine Army, and on and after January first, nineteen hundred and thirty-nine, will be separately supported and administered. For administrative purposes the Philippine Constabulary shall be deemed to be a bureau of government, and the Chief of Constabulary shall have all the powers conferred generally on bureau chiefs. Provisions of existing and future laws applying to the discipline, conduct, and responsibilities of individuals in the Army will, so far as

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they may be appropriate, apply with equal force to members of the Constabulary.

3. The uniform of the Constabulary shall differ from that of the Army as follows: shoulder straps and piping on the uniform of the Constabulary shall be red; for the Army they shall be blue.

4. The Chief of Constabulary shall be directly responsible to the President for the execution of all police duties, responsibilities and functions heretofore pertaining to the Philippine Constabulary and those specifically assigned to him by the President. Subject to the approval of the President he will prescribe and issue regulations for the conduct and administration of the Constabulary. He will administer all laws and regulations affecting personnel of the Constabulary, excepting those pertaining to the procurement of military personnel and the promotion of officers. For purposes of record, he will transmit to the Adjutant General of the Philippine Army such reports and returns as may be necessary to enable that office to maintain permanent records of all personnel. Annual eligibility and efficiency boards appointed in the Army under the orders of the President will include proportionate representation from the Constabulary.

5. Subject to the approval of the President, the Philippines shall be divided into Constabulary Departments, each designated by the name of a principal island or group of islands. Where necessary to create more than one department for any island each will receive a suitable designation. In each department the Senior Constabulary Officer shall be designated Department Inspector of Constabulary. He will be responsible to the Chief of Constabulary for the efficient functioning of the Constabulary in his department.

6. The Senior Constabulary Officer in each province will be designated Provincial Inspector and will command all Constabulary elements in that province. For routine administration and supply purposes he will communicate directly with the Chief of Constabulary; in all other matters he will be directly subordinate to the Department Inspector.

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II. *Relations between Constabulary and Local Police*

7. Pursuant to the provisions of section six of Commonwealth Act Numbered Three hundred forty-three, all provincial, city, or other local fire and police bodies and provincial guards as may have been wholly or partially removed from the control of local officials by Commonwealth Act Numbered Eighty-eight are hereby restored to such control, and to the status occupied by them respectively before the approval of the Act, subject hereafter, however, to such regulations affecting organization, administration, and civil service and other qualifications required of individuals holding positions in these bodies as may be approved by the President.

8. Pending approval of the regulations indicated in the preceding paragraph, it is hereby directed that all members of local police and firemen in all cities, municipalities, and municipal districts, shall continue in their present functions in the service, with the same powers, duties, and functions as peace officers and firemen within their respective jurisdictions as have obtained heretofore, serving under the direct control and supervision of their appropriate chiefs of police and city, municipal, and municipal district mayors. The salaries of said police and firemen shall be paid as heretofore, from the same sources, and at the same salaries now authorized. Provincial guards and special agents shall likewise continue in the service under the supervision of their respective provincial governors and their present authorized salaries shall be paid as heretofore by the provinces concerned. Provincial police inspectors and other commissioned officers appointed under Commonwealth Act Numbered Eighty-eight shall cease to function as such on the date this order takes effect. Provincial constabulary commanders or inspectors who have not been previously appointed police inspectors, and those who have been appointed ex-officio police inspectors, shall act and continue as provincial police inspectors without additional compensation in the provinces to which they are respectively assigned. Until the promulgation of new regu-

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lations, the same rules of discipline as have heretofore been enforced under the provisions of Commonwealth Act Numbered Eighty-eight shall be applicable in so far as they are not inconsistent with the provisions of Commonwealth Act Numbered Three hundred forty-three and of this Order to all members of local police and firemen.

9. Under the provisions of, and for the specific purposes expressed in, Section Eight hundred thirty-four of the Revised Administrative Code all local police bodies and individuals in each province, including all provincial guards and special agents, are placed under inspectional supervision of the appropriate local representative of the Chief of Constabulary.

10. Under the provisions of Chapter I, Article III, Section four (d), Act Numbered Three thousand nine hundred ninety-two, Revised Motor Vehicle Law, personnel of the Philippine Constabulary will be designated as deputies to assist in preventing violations of said Act and in carrying out the police provisions thereof. Regulations approved by the President for insuring traffic control as intended in that Act will be executed by the Constabulary and all local police under coöperative methods jointly established by the Secretary of Commerce and Communications and by the Chief of Constabulary.

III. *Procedure of immediate organization*

11. Until a permanent Chief is appointed and qualified, the present Deputy Chief of Staff is hereby relieved from his duties with the Philippine Army and is designated Acting Chief of the Philippine Constabulary.

12. All organizational plans, when approved by the President, will be executed through the coöperative action of the Chief of Staff and the Chief of Constabulary. The plans will provide for:

(a) The initial transfer of commissioned, enlisted, and civilian personnel from the Army to the Constabulary, including the Malacañan Guard Company.

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(b) The transfer from the Army to the Constabulary of appropriate property including real estate, weapons, transportation, clothing, and other essential items. Transferred property will be dropped from the accounts of the Army and receipted and accounted for by the Constabulary.

(c) The normal supply and maintenance of the Constabulary during the remainder of the current calendar year from military funds and resources: *Provided*, That expenses incident to organization, additional housing, and procurement of special equipment will be accomplished from funds specially provided for this purpose in nineteen hundred and thirty-eight by Section eight, Commonwealth Act Numbered Three hundred forty-three.

(d) Development of procedure to apply on and after January first, nineteen hundred and thirty-nine, whereby the Constabulary may secure, upon direct reimbursement for all costs involved, which is hereby authorized, of equipment essentially military in character, and any other items which may be most efficiently and economically procured through utilization of the Army's procurement agencies.

IV. Emergency control

13. During any period of emergency involving the employment, upon the direction of the President, of any element of the Army to supplement the Constabulary in maintenance of law and order, the military element involved may be temporarily assigned to the command of the appropriate Constabulary official or, if the emergency so warrants, all Constabulary and other police elements in the affected region may be attached to the Army to operate under the control of the Chief of Staff, as may be directed by the President in each case. In all such cases routine administration and supply of the Army and of the Constabulary will remain the responsibility of their respective chiefs.

V. Funds

14. The amount of five hundred thousand pesos appropriated by Section eight, Commonwealth Act Numbered Three

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hundred forty-three, is hereby released to the Chief of Constabulary for the purposes specified in that Act, subject to approval by the President as required by law or regulation and particularly in all cases involving construction or the acquisition of real estate and motor equipment.

15. This Order shall take effect on June twenty-third, nineteen hundred and thirty-eight.

Done at the City of Manila, this twenty-third day of June, in the year of Our Lord, nineteen hundred and thirty-eight, and of the Commonwealth of the Philippines, the third.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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[COMMONWEALTH ACT No. 7]

AN ACT TO CREATE A NATIONAL LOAN AND
INVESTMENT BOARD, DEFINING ITS POWERS,
AND FOR OTHER PURPOSES.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. There is hereby created a National Loan and Investment Board to consist of five members, who shall be appointed by the President of the Philippines, with the consent of the Commission on Appointments of the National Assembly, and shall hold office for a term of three years. The members of the Board shall elect from among themselves a chairman and a vice-chairman. They shall devote to the business of the Board such time and shall receive such compensation as may be fixed by the President of the Philippines from time to time.

SEC. 2. The National Loan and Investment Board shall be under the Department of Finance for administrative purposes, and shall have the power to invest all existing funds the investment of which is authorized by law, and such other funds which may hereafter be declared by law to be available for loan or investment, more particularly the following:

- (1) The Loan Fund, created under Act Numbered Thirty-three hundred and thirty-five, as amended;
- (2) The Municipal Loan Fund, created under Act Numbered Thirty-nine hundred and thirty-two;
- (3) The Friar Lands Loan Fund, created under Act Numbered Seventeen hundred and thirty-six;
- (4) The San Lazaro Estate Loan Fund, created under Act Numbered Twenty-four hundred and seventy-eight, as amended;

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(5) The Private Surveyors' Loan Fund, created under Act Numbered Thirty-three hundred and twenty-seven as amended;

(6) The Postal Savings Bank Funds, created under Act Numbered Fourteen hundred and ninety-three, and now governed by Act Numbered Twenty-seven hundred and eleven, as amended;

(7) The Teachers' Retirement and Disability Fund, created under Act Numbered Thirty hundred and fifty, as amended;

(8) The Pension and Retirement Fund of the Philippine Health Service, created under Act Numbered Thirty-one hundred and seventy-three, the investment of which is authorized by Act Numbered Thirty-three hundred and ninety-one;

(9) The Pension and Retirement Fund of the Philippine Constabulary, created under Act Numbered Twenty-seven hundred and eleven, as amended;

(10) The Land Title Assurance Fund, created under Act Numbered Four hundred ninety-six;

(11) The Rice and Corn Fund, created under Act Numbered Twenty-eight hundred and eighteen, as amended; and

(12) The Property Insurance Fund, created under Act Numbered Twenty-seven hundred and eleven, as amended.

In connection with the investment of such funds, the National Loan and Investment Board shall have power to enter into contracts, to discount notes, securities, and other obligations, to execute and foreclose mortgages, to sue and be sued, and perform such other acts as may be required to accomplish the purposes of this Act.

The National Loan and Investment Board is hereby authorized to issue rules and regulations, subject to the approval of the President of the Philippines, governing the exercise by the Board of its powers and duties, the investment of the funds under its jurisdiction and control,

and such other matters as may be necessary for the proper functioning of the Board: *Provided, however,* That the investment of these funds shall be subject to the conditions and limitations prescribed in the respective laws creating them, and the transactions of the Board shall be subject to the rules, regulations, and the inspection of the Bank Commissioner of the Philippines.

SEC. 3. The National Loan and Investment Board is authorized and empowered, subject to the approval of the Secretary of Finance, to employ such counsel, assistants, clerks, laborers, and other employees as it may deem necessary to conduct the business of said Board.

SEC. 4. The expenses of the National Loan and Investment Board shall be paid from the various investable funds under its jurisdiction and control and shall be charged against said funds in proportion to the amount thereof invested in each fiscal year: *Provided,* That the total amount that may be spent for this purpose for the year nineteen hundred and thirty-six shall not exceed the aggregate sum authorized to be spent under the laws now in force for the same purpose, for each and all of said funds. Thereafter, the expenses of the Board shall be provided for in the general appropriation Act.

SEC. 5. The Secretary of Finance is hereby authorized to issue rules and regulations to the end that the powers of the National Loan and Investment Board and the various Pension Boards now in existence and administering the funds mentioned in section two hereof, may be delimited, and their functions coördinated. Subject to the approval of the President, the Secretary of Finance is, likewise, authorized to make and effect adjustments in the personnel of the various boards or offices now administering and controlling such funds, by transferring all or some of them to the office of the National Loan and Investment Board and/or leaving them with their respective bureaus and offices.

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SEC. 6. Except as herein otherwise provided, this Act shall not apply to the lendable funds now being administered by the Insular Treasurer under section sixteen hundred and seven of the Revised Administrative Code.

SEC. 7. All acts and parts of acts inconsistent with this Act are hereby repealed.

SEC. 8. This Act shall take effect on its approval.

Approved, December 31, 1935.

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[COMMONWEALTH ACT No. 109]

AN ACT TO AMEND SECTIONS TWO, FOUR AND FIVE OF COMMONWEALTH ACT NUMBERED SEVEN, ENTITLED "AN ACT TO CREATE A NATIONAL LOAN AND INVESTMENT BOARD, DEFINING ITS POWERS, AND FOR OTHER PURPOSES".

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section two of Commonwealth Act Numbered Seven is hereby amended so as to read as follows:

"SEC. 2. The National Loan and Investment Board shall be under the Department of Finance for administrative purposes, and shall have the power to invest all existing funds, the investment of which is authorized by law, and such other funds which may hereafter be declared by law to be available for loan or investment, more particularly the following:

"(1) The Loan Fund, created under Act Numbered Thirty-three hundred and thirty-five, as amended;

"(2) The Municipal Loan Fund, created under Act Numbered Thirty-nine hundred and thirty-two;

"(3) The Friar Lands Loan Fund, created under Act Numbered Seventeen hundred and thirty-six;

"(4) The San Lazaro Estate Loan Fund, created under Act Numbered Twenty-four hundred and seventy-eight, as amended;

"(5) The Private Surveyors' Loan Fund, created under Act Numbered Thirty-three hundred and twenty-seven, as amended;

"(6) The Postal Savings Bank Fund, created under Act Numbered Fourteen hundred and ninety-three, and now

governed by Act Numbered Twenty-seven hundred and eleven, as amended;

“(7) The Teachers’ Retirement and Disability Fund, created under Act Numbered Thirty hundred and fifty, as amended;

“(8) The Pension and Retirement Fund of the Philippine Health Service, created under Act Numbered Thirty-one hundred and seventy-three, the investment of which is authorized by Act Numbered Thirty-three hundred and ninety-one;

“(9) The Pension and Retirement Fund of the Philippine Constabulary, created under Act Numbered Twenty-seven hundred and eleven, as amended;

“(10) The Land Title Assurance Fund, created under Act Numbered Four hundred and ninety-six;

“(11) The Rice and Corn Fund, created under Act Numbered Twenty-eight hundred and eighteen, as amended; and

“(12) The Property Insurance Fund, created under Act Numbered Twenty-seven hundred and eleven, as amended.

“In connection with the investment of such funds, the National Loan and Investment Board shall have power to enter into contracts, to discount notes, securities, and other obligations, to execute and foreclose mortgages, to sue and be sued, and perform such other acts as may be required to accomplish the purposes of this Act.

“The National Loan and Investment Board is hereby authorized to issue rules and regulations, subject to the approval of the President of the Philippines, governing the exercise by the Board of its powers and duties, the investment of the funds under its jurisdiction and control and such other matters as may be necessary for the proper functioning of the Board: *Provided, however,* That the investment of these funds shall be subject to the conditions and limitations prescribed in the respective laws creating them, except as otherwise provided herein: *And provided, further,* That the total amount of investments in discounting notes, securities and other obligations authorized herein from any of the funds enumerated above, shall not

exceed twenty *per centum* of such fund, and the transactions of the Board shall be subject to the inspection of the Bank Commissioner of the Philippines, free of charge, and the Bank Commissioner shall make a report to the Secretary of Finance of the result of his inspection, together with such recommendations as the said commissioner may deem proper to make."

SEC. 2. Section four of Commonwealth Act Numbered Seven is hereby amended so as to read as follows:

"SEC. 4. The expenses of the National Loan and Investment Board shall be paid from the various investable funds under its jurisdiction and control and shall be assessed against each fund in the proportion which its average total investments bears to the average total investments of all said funds in force during the year: *Provided*, That the total amount that may be spent for this purpose for the year nineteen hundred and thirty-six shall not exceed the aggregate sum authorized to be spent under the laws now in force for the same purpose, for each and all of said funds. Thereafter, the expenses of the Board shall be provided for in the general Appropriation Act."

SEC. 3. Section five of Commonwealth Act Numbered Seven is hereby amended so as to read as follows:

"SEC. 5. The Secretary of Finance is hereby authorized to issue rules and regulations to the end that the powers of the National Loan and Investment Board and the various boards, institutions, and offices now in existence and administering the funds mentioned in section two hereof, may be delimited, and their functions coördinated. Subject to the approval of the President, the Secretary of Finance is likewise authorized to make and effect adjustments in the personnel of the various boards or offices now administering and controlling such funds, by transferring all or some of them to the office of the National Loan and Investment Board and/or leaving them with their respective bureaus and offices."

SEC. 4. This Act shall take effect upon its approval.

Approved, October 30, 1936.

[COMMONWEALTH ACT No. 188]

AN ACT TO PROVIDE FOR THE LIQUIDATION OF THE PENSION AND RETIREMENT FUND OF THE PHILIPPINE CONSTABULARY CREATED BY ACT NUMBERED ONE THOUSAND SIX HUNDRED AND THIRTY-EIGHT, AS AMENDED, AND THE PAYMENT OF REDUCED PENSIONS TO CERTAIN BENEFICIARIES THEREOF, AND TO APPROPRIATE THE NECESSARY FUNDS THEREFOR.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The provisions of Act Numbered One thousand six hundred and thirty-eight, as amended, are hereby declared inoperative as of November first, nineteen hundred and thirty-six. The Government Service Insurance Board is hereby authorized and directed to liquidate the Pension and Retirement Fund of the Philippine Constabulary created by said Act Numbered One thousand six hundred and thirty-eight, as amended, immediately upon the approval of this Act, or as soon thereafter as may be practicable, but for the purposes of this Act, said liquidation shall be deemed to have been effected as of November first, nineteen hundred and thirty-six.

SEC. 2. The Government Service Insurance Board is hereby authorized to apply the proceeds from the liquidation of said Fund to the payment, in the manner herein prescribed, to officers and enlisted men of the Philippine Constabulary who are still in the service, or who have left the service by resignation or abolition of the position, and who have been contributing to the Pension and Retirement Fund of the Philippine Constabulary and not previously retired, of the full amount contributed by them plus interest up to November first, nineteen hundred and thirty-six, at the rate of four *per centum per annum* compounded annually: *Provided, however, That the amount which such officers*

and enlisted men of the Philippine Constabulary are entitled to receive shall, if they remain in the service, be applied by the Board to the payment of one year premium on the compulsory membership insurance corresponding to them under the provisions of the Government Service Insurance Act: *Provided, further*, That any excess of said contributions over and above the premium above stated, shall be paid to the contributor in cash, either in full or in installments to be determined by the Board, and in the latter case, all deferred payments shall earn interest at the rate of four *per centum per annum* compounded annually, but the same may be commuted and cashed in any financial institution owned or controlled by the Government by discounting the principal thereof at a rate not to exceed one *per centum per annum*.

SEC. 3. There shall be paid to those officers and enlisted men of the Philippine Constabulary who have been retired from the service, or their dependents, in lieu of the pensions they are now receiving from the Pension and Retirement Fund of the Constabulary, the following reduced amounts:

During the first year after the date of the approval of this Act, a pension equivalent to one and five tenths *per centum* of the average basic salary, received during the last three years preceding retirement; but not exceeding six thousand pesos *per annum*, multiplied by the number of years of service rendered; during the second year, one and three tenths *per centum*; and thereafter, one *per centum*; while to their dependent as defined in the laws creating the aforementioned pension and retirement fund, the pension shall be in accordance with said laws, for a period not exceeding ten years: *Provided, however*, That the Board, with the approval of the Secretary of Finance, may at any time suspend or cancel the payment of any pension whenever, after due investigation, it shall have found that the amount of pensions already received by the retired officer or enlisted man, or his beneficiaries is more than twice the amount of his contributions to the fund plus 4% interest per year, compounded annually: *Provided, further*, That the said retired officer or

enlisted man or his beneficiaries are not dependent upon their pensions for their maintenance: *Provided, further,* That the pensions to retired officers who are now at least sixty-five years of age, or suffering permanent physical disability, to retired enlisted men, and to those retired for disability incurred in the performance of duty, as well as to their dependents, and to the dependents entitled by law to receive pensions of those killed in the performance of duty, shall continue at the rates prescribed by the pension laws which have heretofore embraced them: *Provided, further,* That in no case shall the total amount of the reduced pension payable hereunder, exceed the benefit that is being received at present under the provisions of the Constabulary Pension and Retirement Fund Act: *Provided, further,* That any decision of the Secretary of Finance regarding suspension or cancellation of the payment of pension shall be appealable to the President of the Philippines: *And provided, finally,* That the pensions mentioned in this Act shall not be subject to any tax, levy or attachment and shall be paid from the sum appropriated for the aid to the Philippine Army Pension Fund for nineteen hundred thirty-seven, and, annually thereafter, from the annual appropriation for the Philippine Army.

SEC. 4. At the option of the pensioner to be exercised by him not later than January 1, 1937, he may be given in lieu of the reduced pension provided for in section 3 hereof a gratuity equivalent to two years average current pay he was receiving during the last three years previous to his retirement: *Provided, however,* That the Government Service Insurance Board, after considering the financial situation of the party concerned, shall determine whether such amount shall be paid in full or in installments to be fixed by the said Board, and in the latter event, all deferred payments shall earn interest at the rate of four *per centum per annum* compounded annually, but the same may be commuted and cashed in any financial institution owned or controlled by the Government by discounting the principal thereof at a rate not exceeding one *per centum per annum*.

SEC. 5. All the funds, properties, and assets, and all personnel, facilities, equipment, leases, contracts, and other obligations and instruments as well as all records, files, correspondence, and other papers belonging or appurtenant to the Pension and Retirement Fund of the Philippine Constabulary as created and established by Act Numbered One thousand six hundred thirty-eight, as amended are hereby transferred, for the purposes of liquidation as provided in this Act, to the Government Service Insurance Board, which shall hereafter exercise full control and authority over the same. The said Board, with the approval of the Secretary of Finance, is hereby authorized to promulgate the necessary rules and regulations for the accomplishment of the purposes of this Act. Nothing herein contained shall be construed as taking away the power of the National Loan and Investment Board to invest the funds belonging to the Pension and Retirement Fund of the Philippine Constabulary should the Government Service Insurance Board elect to place in its hands the investment of said funds under such terms and conditions as may be agreed upon by the two Boards.

SEC. 6. For the purposes of section two of this Act, and to cover the expenditures, including salaries of personnel, which the board may incur incidental to its functions under the provisions hereof, the Insular Treasurer is hereby authorized and directed to transfer from time to time such amounts as may be necessary not to exceed in the aggregate the sum of one-million five hundred thousand pesos to the Government Service Insurance system, and said sums are hereby appropriated out of any funds in the Philippine Treasury not otherwise appropriated.

SEC. 7. This Act shall take effect upon its approval, but as to the reduced pension, it shall take effect on December first, nineteen hundred and thirty-six.

Approved, November 14, 1936.

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[COMMONWEALTH ACT No. 237]

AN ACT TO PROVIDE FOR THE RESTORATION AND PAYMENT OF ALL ANNUITIES DUE TO PERSONS RETIRED UNDER AND PURSUANT TO THE TERMS AND PROVISIONS OF ACTS NUMBERED THIRTY HUNDRED AND FIFTY, THIRTY-ONE HUNDRED AND SEVENTY-THREE, AND ARTICLE III OF CHAPTER THIRTY-FIVE OF THE ADMINISTRATIVE CODE, EACH AS AMENDED AND IN EFFECT PRIOR TO NOVEMBER FIRST, NINETEEN HUNDRED AND THIRTY-SIX.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. As used in this Act, the term "Teachers' Retirement Act" shall mean Act Numbered Thirty hundred and fifty, as amended and in effect prior to November first, nineteen hundred and thirty-six; the term "Health Retirement Act" shall mean Act Numbered Thirty-one hundred and seventy-three, as amended and in effect prior to November first, nineteen hundred and thirty-six; and the term "Constabulary Retirement Act" shall mean Article III of Chapter Thirty-five of the Administrative Code, as amended and in effect prior to November first, nineteen hundred and thirty-six.

SEC. 2. Notwithstanding the provisions of Commonwealth Acts Numbered One hundred and eighty-seven, One hundred and eighty-eight, and One hundred and eighty-nine, all persons who, on or before November fourteen, nineteen hundred and thirty-six, had retired under and pursuant to the terms and conditions of the Teachers'

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Retirement Act, the Health Retirement Act, and the Constabulary Retirement Act and were then receiving the benefits provided by said Acts and the beneficiaries of said persons, and all beneficiaries of deceased persons previously retired under said Acts, shall hereafter receive and be paid the full amount of the annuities which had then accrued to them or may hereafter accrue to them, under the terms of said Teachers' Retirement Act, the Health Retirement Act, and the Constabulary Retirement Act, the same as if the provisions thereof had not been declared inoperative. All such payments shall be made at the time and in the manner that said annuities would have been paid if the said Teachers' Retirement Act, the Health Retirement Act, and the Constabulary Retirement Act, and the provisions thereof, had not been declared inoperative. The restoration of the annuity payments made as in this section provided shall be effective not earlier than November fourteenth, nineteen hundred and thirty-six.

SEC. 3. All persons who by the terms of this Act shall be entitled to receive the full annuity accrued to them under the terms of the Teachers' Retirement Act, the Health Retirement Act, and the Constabulary Retirement Act, shall receive and be paid said full annuities from the date said annuities were reduced or discontinued. To the extent that any of said annuities has been reduced in amount, or otherwise not paid, an amount equal to the reduction with interest thereon at the rate of four per cent per annum from the date of withholding of said sum to the date of payment thereof shall be paid to said persons. All of said sums so withheld shall be paid not later than January first, nineteen hundred and thirty-eight, and interest thereon shall be computed to the first day of the month next following the date on which checks for the payment of the sums so withheld shall be issued and mailed.

SEC. 4. The Government Service Insurance Board shall administer this Act, and for this purpose shall have power to adopt, subject to the approval of the President of the Philippines, such rules and regulations as may be necessary to carry out the provisions hereof.

SEC. 5. Such sums as may be necessary to carry into effect the provisions of this Act are hereby appropriated out of any funds in the Philippine Treasury not otherwise appropriated.

SEC. 6. This Act shall take effect upon its approval.

Approved, September 23, 1937.

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[COMMONWEALTH ACT No. 56]

AN ACT TO AMEND SECTIONS EIGHT HUNDRED AND SEVENTY-EIGHT, EIGHT HUNDRED AND EIGHTY-THREE, AND TWO THOUSAND SIX HUNDRED AND NINETY-TWO OF ACT NUMBERED TWO THOUSAND SEVEN HUNDRED AND ELEVEN, KNOWN AS THE REVISED ADMINISTRATIVE CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section eight hundred and seventy-eight of Act Numbered Two thousand seven hundred and eleven, known as the Revised Administrative Code, is hereby amended so as to read as follows:

"SEC. 878. *Unlawful manufacture, dealing in, acquisition, disposition, or possession of firearms, parts of firearms, or ammunitions therefor, or instruments or implements used or intended to be used in the manufacture of firearms or ammunitions.*—Save as allowable under this article it shall be unlawful for any person to import, manufacture, deal in, receive, acquire, buy, sell, dispose of, or possess any firearm, detached parts of firearms or ammunition therefor, or any instrument or implement used or intended to be used in the manufacture of firearms, parts of firearms, or ammunition."

SEC. 2. Section eight hundred and eighty-three of Act Numbered Two thousand seven hundred and eleven, known as the Revised Administrative Code, is hereby amended so as to read as follows:

"SEC. 883. *License required for manufacturer or dealer in firearms.*—Any person desiring to manufacture or deal

in firearms, parts of firearms or ammunition therefor, or instruments or implements used or intended to be used in the manufacture of firearms, parts of firearms, or ammunition, shall make application to the President of the Philippines for a license, stating therein the facts regarding the amount of business in the manufacture or purchase and sale of said articles intended to be transacted by such applicant, and the classes of arms, ammunition, or implements which the applicant intends to manufacture or purchase and sell under the license applied for, and such additional information as may be especially requested by the President before passing upon the application. The President may approve or disapprove such application and, in the event of approval, shall state therein the amount of the bond to be executed by the applicant before the issuance of the license, and the time during which the license shall be effective, unless sooner revoked by his authority."

SEC. 3. Section twenty-six hundred and ninety-two of the Revised Administrative Code is hereby amended so as to read as follows:

"SEC. 2692. *Unlawful manufacture, dealing in, acquisition, disposition or possession of firearm, or ammunition therefor, or instrument used or intended to be used in the manufacture of firearms or ammunition.*—Any person who manufactures, deals in, acquires, disposes, or possesses, any firearm, parts of firearms, or ammunition therefor, or instrument or implement used or intended to be used in the manufacture of firearms or ammunitions in violation of any provision of sections eight hundred and seventy-seven to nine hundred and six, inclusive, of this Code, as amended, shall, upon conviction, be punished by imprisonment for a period not exceeding one year, or both imprisonment not exceeding such period and a fine not exceeding one thousand pesos, in the discretion of the court. A conviction under this section shall carry with it the forfeiture of the prohibited article or articles to the Philippine Government."

"The possession of any instrument or implement which is directly useful in the manufacture of firearms or ammunitions on the part of any person whose business or employment does not deal with such instrument or implement shall be *prima facie* proof that such article is intended to be used in the manufacture of firearms or ammunitions."

SEC. 4. This Act shall take effect upon its approval.

Approved, October 17, 1936.

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 186

PROMULGATING RULES AND REGULATIONS GOVERNING THE LOSS
OF FIREARMS HELD UNDER THE PROVISIONS OF SECTION
881 OF THE REVISED ADMINISTRATIVE CODE.

Pursuant to the authority vested in me by section nine hundred and five of the Revised Administrative Code, I, Manuel L. Quezon, President of the Philippines, do hereby issue and promulgate the following rules and regulations to govern the loss of firearms held under special permit under the provisions of section eight hundred eighty-one of the said Code:

1. Any officer or employee of the Government who, having been issued a special permit to possess a firearm or firearms in accordance with section eight hundred eighty-one of the Revised Administrative Code, shall lose his firearm or firearms or shall fail to have the same forthcoming upon proper demand, shall be administratively fined by the Chief of Constabulary in the amount of forty pesos for each arm: *Provided, however,* that the President, in his discretion, may remit the fine imposed upon the licensee upon the presentation of satisfactory proof showing that his firearm was destroyed or lost beyond reasonable chance of recovery by any person, and through no fault or negligence of his.

2. In case of the loss of a firearm held under special permit, it shall be the duty of the Director or head of the Bureau or office to immediately notify the Chief of Constabulary thereof. It shall also be the duty of the Director or head of any Bureau or office to require any holder of firearm under special permit in his Bureau or office to

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surrender or otherwise account for the firearm or firearms before the holder thereof resigns, retires, or otherwise severs his connection with the Government. The Director or head of any Bureau or office shall be responsible for the collection of the administrative fine imposed by the Chief of Constabulary in accordance with the provisions of paragraph one hereof upon officials or employees of his Bureau or office, and for this purpose, he or his authorized representative shall require any licensee to pay the administrative fine imposed by withholding from the licensee's salary the amount of the fine. Failure to comply with the duties imposed upon him under this paragraph shall render the Director or head of any Bureau or office personally liable for such administrative fine.

3. This Order shall apply to all firearms now covered by special permits, except those which had been lost before this date, in which case the fine shall be one hundred pesos as provided for in the former regulations.

Done at the City of Manila, this eleventh day of February, in the year of Our Lord, nineteen hundred and thirty-nine, and of the Commonwealth of the Philippines, the fourth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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[COMMONWEALTH ACT No. 195]

AN ACT TO AMEND SECTION EIGHT HUNDRED AND EIGHTY-SEVEN OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, OTHERWISE KNOWN AS THE REVISED ADMINISTRATIVE CODE, AND SECTION THREE OF ACT NUMBERED THIRTY HUNDRED AND NINETY-SEVEN.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section eight hundred and eighty-seven of Act Numbered Twenty-seven hundred and eleven, otherwise known as the Revised Administrative Code, is hereby amended to read as follows:

"SEC. 887. *License required for individual keeping arms for personal use—Security to be given.*—Any person desiring to possess one or more firearms for personal protection or for use in hunting or other lawful purposes only, and ammunitions thereof, shall make application for a license to possess such firearm or firearms or ammunitions as hereinafter provided. Upon making such application, and before receiving the license, the applicant shall, for the purpose of security, deposit a United States or Philippine Government bond, or make a cash deposit in the Postal Savings Bank in the sum of forty pesos for each firearm for which the license is to be issued, and shall indorse the certificate of deposit therefor to the Philippine Treasurer, such deposit to bear no interest, or shall give a personal or property bond signed by two persons or by a surety company, in such form as the President may prescribe, payable to the Government of the Philippines, in the sum of one hundred pesos for each such firearms: *Provided, however,* That the existing bonds upon the approval of

this Act shall continue as they are or, at the option of the interested party, the same can be renewed in accordance with the provisions hereof: *Provided, further*, That *bona fide* and active members of duly organized gun clubs and accredited by the Chief of Staff of the Philippine Army shall not be required to make the deposit or give the bond prescribed in this section.

SEC. 2. Section three of Act Numbered Thirty hundred and ninety-seven is hereby amended to read as follows:

"SEC. 3. *Firearms license fees*.—Any person holding a license to possess a firearm in accordance with section eight hundred and eighty-eight of the Administrative Code, as amended, shall pay the following initial and annual fees;

For each shotgun held on license:	
Initial fee	₱10.00
Annual fee	5.00
For each high-power rifle held on license:	
Initial fee	₱15.00
Annual fee	5.00
For each revolver held on license, except caliber twenty-two revolver:	
Initial fee	₱10.00
Annual fee	5.00
For each rifle held on license, except caliber twenty-two rifles:	
Initial fee	₱10.00
Annual fee	5.00

Provided, however, That *bona fide* and active members of duly organized gun clubs and accredited by the Chief of Staff of the Philippine Army shall pay an initial fee of five pesos and an annual fee of two pesos for each firearm held on license, caliber twenty-two revolver or rifle being exempted therefrom.

SEC. 3. This Act shall take effect on July first, nineteen hundred and thirty-eight.

Approved, November 18, 1936.

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 290

PROMULGATING RULES AND REGULATIONS GOVERNING THE GIVING OF SECURITY FOR EVERY FIREARM HELD UNDER THE PROVISIONS OF SECTION 888 OF THE REVISED ADMINISTRATIVE CODE.

Pursuant to the authority vested in me under section nine hundred and five of the Revised Administrative Code, I, Manuel L. Quezon, President of the Philippines, do hereby issue the following rules and regulations to govern the giving of security for every firearm held on license issued under the provisions of section eight hundred and eighty-eight of the same code:

1. Any person desiring to possess one or more firearms for personal protection or for use in hunting or other lawful purposes and ammunition thereof shall, upon making application therefor and before receiving the license, for the purpose of security, deposit a United States or Philippine Government bond or make a cash deposit with the Postal Savings Bank in the sum of forty pesos for each firearm for which the license is to be issued and indorse the certificate of deposit therefor to the Treasurer of the Philippines, such deposit to bear no interest; or give a personal or property bond signed by two (2) persons or by a surety company in such form as the President may prescribe, payable to the Government of the Philippines, in the sum of one hundred pesos for each such firearms.

2. The bonds existing upon the promulgation of this executive order shall continue as they are or, at the option of the interested party, the same can be renewed in accordance with the provisions hereof.

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3. Gun clubs duly organized and accredited by the Chief of Constabulary may be allowed to possess on licenses, for the use of its members at the clubs, not to exceed twenty (20) firearms (rifles, pistols, revolvers, or shotguns). The club shall, for the purpose of security, give one-half ($\frac{1}{2}$) of the total amount of the security herein required for firearms issued to nonmembers of gun clubs. In case of loss, the sum of forty pesos or one hundred pesos, as the case may be, shall be forfeited or collected for each firearm lost.

Done at the City of Manila, this eighth day of July, in the year of Our Lord, nineteen hundred and forty, and of the Commonwealth of the Philippines, the fifth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 325

REVISING EXECUTIVE ORDER NO. 290, DATED JULY 8, 1940, PROMULGATING RULES AND REGULATIONS GOVERNING THE GIVING OF SECURITY FOR EVERY FIREARM HELD UNDER THE PROVISIONS OF SECTION 888 OF THE REVISED ADMINISTRATIVE CODE.

Pursuant to the authority vested in me under section nine hundred and five of the Revised Administrative Code, I, Manuel L. Quezon, President of the Philippines, do hereby issue the following rules and regulations to govern the giving of security for every firearm held on license issued under the provisions of section eight hundred and eighty-eight of the same Code:

1. Any person desiring to possess one or more firearms for personal protection or for use in hunting or other lawful purposes, and ammunition thereof shall, upon making application therefor and before receiving the license, for the purpose of security, deposit a United States or Philippine Government bond or make a cash deposit with the postal Savings Bank in the sum of forty pesos for each firearm for which the license is to be issued and indorse the certificate of deposit therefor to the Treasurer of the Philippines, such deposit to bear no interest; or give a personal or property bond signed by two (2) persons or by a surety company in such form as the President may prescribe, payable to the Government of the Philippines, in the sum of one hundred pesos for each such firearms.

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2. Gun clubs duly organized and accredited by the Chief of Constabulary and their bona fide and active members may be allowed to possess firearms on licenses, provided that the club shall for the purpose of security, deposit United States or Philippine Government bond or make a cash deposit with the Postal Savings Bank (to bear no interest) or surety bond, to guarantee the safekeeping of the firearms or surety bond, to guarantee the safe-keeping of the firearms licensed to clubs and their members, under the following graduated schedule and conditions:

(a) Graduated schedule:

	Cash	Surety Bond
1. For a gun club having from 1 to 50 firearms licensed to the club and bona fide and active members	P250.00	P625.00
2. For a gun club having from 51 to 100 firearms....	500.00	1,250.00
3. For a gun club having from 101 to 200 firearms....	1,000.00	2,500.00
4. For a gun club having from 201 to 300 firearms	1,500.00	3,750.00
5. For a gun club having from 301 to 400 firearms	2,000.00	5,000.00
6. For a gun club having from 401 to 500 firearms	2,500.00	6,250.00
7. For a gun club having from 501 to 600 firearms....	3,000.00	7,500.00
8. For a gun club having from 601 to 700 firearms....	3,500.00	8,750.00
9. For a gun club having from 701 to 800 firearms	4,000.00	10,000.00
10. For a gun club having from 801 to 900 firearms	4,500.00	11,250.00
11. For a gun club having from 901 to 1000 firearms	5,000.00	12,500.00
12. For each 200 firearms or fraction thereof in excess of 1,000 firearms	1,000.00	2,500.00

(b) Gun clubs may be allowed to possess on licenses, for the use of its members at the clubs, not to exceed twenty (20) firearms (rifles, pistols, revolvers, or shotguns).

(c) The amount of ₱40 or ₱100, as the case may be, shall be forfeited or collected for each firearm lost.

(d) In case the amount of bond filed is not sufficient to cover the penalty for the number of lost firearms, the club shall pay the full amount corresponding to the number of lost firearms.

(e) Any club or member who loses a firearm shall within five (5) days report the loss in writing to the Chief of Constabulary. Failure to render the required report without justifiable reason, shall disqualify the club or member from possessing new or additional firearm.

(f) All gun clubs shall furnish the Chief of Constabulary, within sixty (60) days from the date hereof, a list of their members in alphabetical order, giving the numbers of licenses and description of the firearms. The club shall also furnish the Chief of Constabulary, at the end of each month, a list containing the names of new members and members who have been separated, in the same manner as the original list is furnished.

3. The bonds existing upon the promulgation of this Executive Order shall continue as they are or, at the option of the interested party, the same can be renewed in accordance with the provisions hereof.

4. Executive Order Numbered Two hundred and ninety, dated July 8, 1940, is hereby revised accordingly.

Done at the City of Manila, this thirteenth day of February, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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[COMMONWEALTH ACT No. 163]

AN ACT TO AMEND SECTION NINE HUNDRED AND FORTY-SEVEN OF THE REVISED ADMINISTRATIVE CODE RELATIVE TO THE AUTHORITY OF THE PRESIDENT OF THE PHILIPPINES TO INVEST THE DIRECTOR OF HEALTH WITH SPECIAL POWERS IN CERTAIN CASES.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section nine hundred and forty-seven of the Revised Administrative Code is hereby amended so as to read as follows:

"SEC. 947. *Authority by the President of the Philippines to invest Director of Health with special powers in certain cases.*—When it shall be shown to the satisfaction of the President of the Philippines that the City of Manila or any province or part of the Philippines is threatened with or suffering from an epidemic of dangerous communicable disease, he may issue an executive order declaring that the place or portion in question is so threatened with or suffering from an epidemic and he may, in such order, invest the Director of Health with emergency powers, to be defined in said order, with authority to prescribe, subject to the approval of the Department Head, such emergency health regulations as may be deemed necessary to prevent or suppress the occurrence or spread of the epidemic in question. Such regulations shall, from issuance, have the same force and effect and shall be enforced in the same manner as if enacted by legislative authority, throughout the city, district, or part thereof specified in such regulations.

"When it is shown to the satisfaction of the President of the Philippines that the danger of an epidemic has

passed, he shall so declare by executive order, and upon publication of such executive order the emergency health regulations shall become null and void, unless in such executive order it is specially declared that one or more of the emergency regulations shall remain in effect for a further period to be prescribed.

"When, for the protection of the health of the personnel of the Philippine Army and the trainees undergoing instruction in military training camps, it shall be shown to the satisfaction of the President of the Philippines that necessity exists therefor, he may invest the Director of Health with similar authority to prescribe, subject to the approval of the Department Head, such special health regulations as may be deemed necessary to prevent or suppress epidemic or endemic diseases within a circular area or zone having a radius of five or more kilometers from an army post as a center, this area to be designated as "Philippine Army Extra Cantonment Zone." All such special health regulations to be known as "Extra Cantonment Sanitary Regulations" shall have full force and effect within the designated zone and any provisions of local laws, regulations, or ordinances inconsistent or repugnant therewith, shall be suspended during such periods of time as may be determined by the President: *Provided*, That the Director of Health may, upon request of the Chief of Staff of the Philippine Army, designate a medical officer of an army post as his special representative to enforce such health regulations as may be prescribed within the limits of the Extra Cantonment Zone."

SEC. 2. This Act shall take effect upon its approval.

Approved, November 9, 1936.

3502



[No. 4207]

AN ACT AMENDING SECTION ONE THOUSAND AND FORTY-FIVE OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN OTHERWISE KNOWN AS THE ADMINISTRATIVE CODE.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section one thousand and forty-five of Act Numbered Twenty-seven hundred and eleven, known as the Administrative Code, is hereby amended to read as follows:

"SEC. 1045. *Payment of expenses incident to care of insane person.*—The expense of sending an insane person to a hospital or other place for the insane, and of his maintenance therein, shall be paid by the guardian from the property of such insane person, if any there be, or by the person whose duty it is to care for such insane person. In all cases where the insane patient, or the person responsible for his support, is unable wholly or in part to pay the expenses of the patient's transportation to the hospital and return, or for his maintenance and care while at the hospital, the same, or such part thereof as may remain unpaid, shall be paid by the Bureau of Health: *Provided*, That whenever a person is found to be insane and it is determined that he is a danger to himself or to others or that he requires hospitalization, he shall be transferred immediately from his home community to a provincial or other Government Hospital, or to the Insular Psychopathic Hospital, and his traveling expenses shall be paid by the Bureau of Health, any other provisions of law to the contrary notwithstanding."

SEC. 2. This Act shall take effect on its approval.

Approved, August 1, 1935.

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 76

CREATING THE BOARD OF FOOD INSPECTION

For the purpose of aiding in carrying out the provisions of Article XVII, Chapter Thirty-seven, of the Revised Administrative Code, there is hereby created a Board of Food Inspection to be composed of the Chief, Division of Administration, Bureau of Health, as Chairman, and one representative from each of the following entities to be designated by the President from time to time, as members:

Bureau of Animal Industry;

School of Hygiene and Public Health, University of the Philippines;

Bureau of Customs; and

Bureau of Internal Revenue.

The Board shall have the following duties:

(a) It shall give hearings on matters concerning the administration of the provisions of the law above-mentioned;

(b) It shall hear protests and appeals from decisions and rulings made under section eleven hundred and twenty-four of the Revised Administrative Code;

(c) It shall submit a report recommending food manufacture;

(d) It shall submit a report recommending food standards for adoption under the law; and

(e) It shall further have such functions, properly within the scope of the administration of the law, as may be assigned to it by the Director of Health.

The decisions of the Board shall be advisory to the Director of Health, and shall become final upon approval by the Secretary of Public Instruction.

Done at the City of Manila, this twenty-second day of December, in the year of Our Lord, nineteen hundred and thirty-six, and of the Commonwealth of the Philippines, the second.

MANUEL L. QUEZON
President of the Philippines

By the President:

ELPIDIO QUIRINO

Secretary of the Interior

MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 232

EXTENDING THE AREA OF THE CUSTOMS ZONE IN MANILA

Whereas it appears desirable that the premises adjoining the piers and wharves of the National Government in the South Port Area, Manila, be placed under the jurisdiction of the Bureau of Customs for the purpose of more effective administration and control of the customs service at the Port of Manila;

Now, therefore, I, Manuel L. Quezon, President of the Philippines, by virtue of the powers vested in me by section one thousand one hundred forty-four of the Revised Administrative Code, do hereby extend the territory of the Customs Zone in Manila in order to include, beginning January first, nineteen hundred and forty, that part of the South Port Area hereunder described as follows:

Beginning at point 1, the northwest corner of block No. 77, thence southward along the east boundary by Muelle San Francisco to point 2, the southwest corner of block No. 77; thence eastward along the north boundary of Street No. 22 to point 3, the southeast corner of block No. 77; thence northward along the west boundary of Boston Street to point 4, being the southeast corner of block No. 49; thence 44.00 meters westward along the north boundary of 14th Street to point 5, being the eastern part of the Derham Building to be excluded from the Customs Zone herein described; thence northward at 90° following the existing partition through said Derham Building, to point 6, being on the north boundary of 13th Street; thence eastward 44.00 meters along the said north boundary of 13th Street

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to point 7, being the southeast corner of block No. 48; thence northward following the west boundary of Boston Street to point 8, being the southeast corner of block No. 41; thence westward along the north boundary of 12th Street to point 9, being the southwest corner of block No. 41; thence northward along the east boundary of Muelle San Francisco 20.00 meters to point 10; thence westward at 90° to the said east boundary of Muelle San Francisco to point 11, the intersection of said line with the established building line north of the entrance to pier No. 3; thence southward along said building line or west boundary of Muelle San Francisco to point 12, which is the intersection of the prolongation of the south boundary of Street No. 21 with said building line; thence eastward across Muelle San Francisco to point 1, the point of beginning.

The construction of such fences, gates, and appurtenances as are necessary for the proper control of said additional area by the customs service shall be carried out as soon as practicable.

Done at the City of Manila, this eighth day of November, in the year of Our Lord, nineteen hundred and thirty-nine, and of the Commonwealth of the Philippines, the fourth.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 72

ESTABLISHING A CLASSIFICATION OF PORTS

For the purpose of fixing the responsibility for the proper administration, operation, and maintenance of ports, and upon the recommendation of the National Transportation Board created by Executive Order Numbered Forty-five, I, Manuel L. Quezon, President of the Philippines, do hereby establish the following classification of ports:

1. *National ports*.—National ports shall comprise all ports primarily of importance to foreign, interisland, and inter-provincial commerce. Other ports which, on account of their geographical locations, are necessary for enforcing customs regulations or for national defense, may also be classified as national ports. The improvement and maintenance of national ports shall be financed by the Commonwealth Government, and their administration and operation shall be under the direct supervision and control of the Insular Collector of Customs.

2. Pursuant to the above classification and the provisions of section one thousand one hundred forty-five of the Revised Administrative Code and Commonwealth Act Numbered One hundred seventy-five, the following ports are hereby designated as national ports:

I. PORTS OPEN TO OVERSEAS SHIPPING:

Provinces	Ports
Albay	(1) Legaspi
Do	(2) Tabaco
Cagayan	(3) Aparri
Camarines Norte	(4) Jose Pañganiban (formerly Mambulao)
Cebu	(5) Cebu
Davao	(6) Davao
Iloilo	(7) Iloilo

I. PORTS OPEN TO OVERSEAS SHIPPING—Continued.

Provinces	Ports
Manila	(8) Manila
Occidental Negros.....	(9) Pulupandan
Sulu	(10) Jolo
Tayabas	(11) Hondagua
Zamboanga	(12) Zamboanga

II. PORTS OPEN TO COASTWISE TRADE ONLY:

Agusan	(1) Nasipit
Albay	(2) Virac (Catanduanes)
Antique	(3) San Jose de Buenavista
Bataan	(4) Mariveles
Batanes	(5) Basco
Do	(6) Contra Costa
Batangas	(7) Batangas
Do	(8) Nasugbu
Bohol	(9) Tagbilaran
Capiz	(10) Capiz
Do	(11) New Washington
Cebu	(12) Toledo
Cotabato	(13) Makar
Do	(14) Parang
Do	(15) Glan (Sarangani Bay)
Davao	(16) Mati
Ilocos Norte.....	(17) Currimao (Ga-an Bay)
Ilocos Sur.....	(18) San Idefonso
Do	(19) Solvec
Lanao	(20) Iligan
La Union.....	(21) San Fernando
Leyte	(22) Maasin
Do	(23) Ormoc
Do	(24) Tacloban
Marinduque	(25) Santa Cruz
Masbate	(26) Masbate
Do	(27) San Pascual (Burias Island)
Mindoro	(28) Calapan
Do	(29) Mangarin
Occidental Misamis.....	(30) Jimenez
Oriental Misamis.....	(31) Cagayan
Occidental Negros.....	(32) San Carlos
Oriental Negros.....	(33) Dumaguete
Do	(34) Larena (Siquijor)
Palawan	(35) Balabac
Do	(36) Culion
Do	(37) Puerto Princesa

II. PORTS OPEN TO COASTWISE, ETC.—Continued.

Provinces	Ports
Romblon	(38) Romblon
Samar	(39) Borongan
Do	(40) Carangian
Do	(41) Catbalogan
Sorsogon	(42) Bulan
Do	(43) Gubat
Sulu	(44) Cagayan de Sulu
Do	(45) Sitankai
Surigao	(46) Surigao
Zambales	(47) Masinloc
Do	(48) Subic
Zamboanga	(49) Puluan

3. *Municipal ports.*—Municipal ports shall comprise all other ports not classified as national ports. The administration and operation of municipal ports shall be under the municipal councils concerned, subject to the general regulations that may be issued by the Insular Collector of Customs, pursuant to the provisions of Chapter Thirty-nine of the Administrative Code. The maintenance and improvement of these ports shall be financed by the municipalities concerned and from appropriations authorized by the Commonwealth Government and such work shall be carried out with the advice and under the general supervision of the Director of Public Works.

4. Any municipal port may hereafter be declared a national port or any national port declared a municipal port, when it is considered necessary to do so in the interest of commerce, for the enforcement of customs regulations, or for national defense purposes.

This Order shall take effect on January first, nineteen hundred and thirty-seven.

Done at the City of Manila, this third day of December, in the year of Our Lord, nineteen hundred and thirty-six, and of the Commonwealth of the Philippines, the second.

MANUEL L. QUEZON

President of the Philippines

By the President:

ELPIDIO QUIRINO

Secretary of the Interior

MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 195

REVISING EXECUTIVE ORDER NO. 72, DATED DECEMBER 3, 1936,
ESTABLISHING A CLASSIFICATION OF PORTS

For the purpose of fixing the responsibility for the proper administration, operation and maintenance of ports, and upon the recommendation of the National Transportation Board created by Executive Order Numbered Forty-five, I, Manuel L. Quezon, President of the Philippines, do hereby establish the following classification of ports:

1. *National ports*.—National ports shall comprise all ports primarily of importance to foreign, interisland, and inter-provincial commerce. Other ports which, on account of their geographical locations, are necessary for enforcing customs regulations or for national defense, may also be classified as National ports. The improvement and maintenance of National ports shall be financed by the National Government, and their administration and operation shall be under the direct supervision and control of the Insular Collector of Customs.

2. Pursuant to the above classification and the provisions of section one thousand one hundred and forty-five of the Revised Administrative Code and Commonwealth Act Numbered One Hundred and seventy-five, the following ports are hereby designated as National ports:

I. PORTS OPEN TO OVERSEAS SHIPPING:

Provinces	Ports
Albay	(1) Legaspi
Do	(2) Tabaco
Cagayan	(3) Aparri

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Provinces	Ports
Camarines Norte	(4) Jose Pañganiban (Formerly Mambulao)
Cebu	(5) Cebu
Davao	(6) Davao
Iloilo	(7) Iloilo
Manila	(8) Manila
Occidental Negros	(9) Pulupandan
Sulu	(10) Jolo
Do	(11) Siasi
Do	(12) Batobato
Tayabas	(13) Hondagua
Zamboanga	(14) Zamboanga
Do	(15) Malangas

II. PORTS OPEN TO COASTWISE TRADE ONLY:

Provinces	Ports
Agusan	(1) Nasipit
Albay	(2) Virac (Catanduanes)
Antique	(3) San Jose de Buenavista
Bataan	(4) Mariveles
Batanes	(5) Basco
Do	(6) Contra Costa
Batangas	(7) Batangas
Do	(8) Nasugbu
Bohol	(9) Tagbilaran
Capiz	(10) Capiz
Do	(11) New Washington
Cebu	(12) Toledo
Cotabato	(13) Makar
Do	(14) Parang
Do	(15) Clan (Sarangani Bay)
Davao	(16) Mati
Ilocos Norte	(17) Currimao (Ga-an Bay)
Ilocos Sur	(18) San Ildefonso
Do	(19) Solvec
Lanao	(20) Iligan
La Union	(21) San Fernando
Leyte	(22) Maasin

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Provinces	Ports
Leyte	(23) Ormoc
Do	(24) Tacloban
Marinduque	(25) Santa Cruz
Masbate	(26) Masbate
Do	(27) San Pascual (Burias Island)
Mindoro	(28) Calapan
Do	(29) Mangarin
Occidental Misamis	(30) Jimenez
Oriental Misamis	(31) Cagayan
Occidental Negros	(32) San Carlos
Oriental Negros	(33) Dumaguete
Do	(34) Larena (Siquijor)
Palawan	(35) Balabac
Do	(36) Culion
Do	(37) Puerto Princesa
Romblon	(38) Romblon
Samar	(39) Borongan
Do	(40) Caranglan
Do	(41) Catbalogan
Sorsogon	(42) Bulan
Do	(43) Gubat
Sulu	(44) Cagayan de Sulu
Do	(45) Sitankai
Surigao	(46) Surigao
Zambales	(47) Masinloc
Do	(48) Subic
Zamboanga	(49) Puluan

3. *Municipal ports.*—Municipal ports shall comprise all other ports not classified as National ports. The administration and operation of municipal ports shall be under the municipal councils concerned, subject to the general regulations that may be issued by the Insular Collector of Customs, pursuant to the provisions of Chapter Thirty-nine of the Administrative Code. The maintenance and improvement of these ports shall be financed by the municipalities concerned and from appropriations authorized by the Na-

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tional Government and such work shall be carried out with the advice and under the general supervision of the Director of Public Works.

(4) Any municipal port may hereafter be declared a National port or any National port declared a municipal port, when it is considered necessary to do so in the interest of commerce, for the enforcement of customs regulations, or for National defense purposes.

This Order shall take effect as of January first, nineteen hundred and thirty-nine.

Done at the City of Manila, this thirteenth day of March, in the year of Our Lord, nineteen hundred and thirty-nine, and of the Commonwealth of the Philippines, the fourth.

MANUEL L. QUEZON
President of the Philippines

By the President:
JORGE B. VARGAS
Secretary to the President

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 208

AMENDING EXECUTIVE ORDER NO. 194, DATED MARCH 13, 1939,
ENTITLED "REVISING EXECUTIVE ORDER NO. 135, DATED DE-
CEMBER 31, 1937, ESTABLISHING A CLASSIFICATION OF
ROADS."

Pursuant to the recommendation of the National Transportation Board created by Executive Order Numbered forty-five, dated July sixth, nineteen hundred and thirty-six, the Lumbang-Caliraya Dam Site from Km. 106.14 to Km. 116.90 Length Km. 10.76, is hereby included in the classification of national roads in the Province of Laguna.

Executive Order Numbered One hundred ninety-four, dated March thirteenth, nineteen hundred and thirty-nine, is hereby amended accordingly.

Done at the City of Manila, this fifteenth day of June, in the year of Our Lord, nineteen hundred and thirty-nine, and of the Commonwealth of the Philippines, the fourth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 254

REVISING EXECUTIVE ORDER NO. 195, DATED MARCH 13, 1939,
ESTABLISHING A CLASSIFICATION OF PORTS

For the purpose of fixing the responsibility for the proper administration, operation, and maintenance of ports, and upon the recommendation of the National Transportation Board created by Executive Order Numbered Forty-five, I, Manuel L. Quezon, President of the Philippines, do hereby establish the following classification of ports:

1. *National ports*.—National ports shall comprise all ports primarily of importance to foreign, interisland, and interprovincial commerce. Other ports which, on account of their geographical locations, are necessary for enforcing customs regulations or for national defense, may also be classified as national ports. The improvement and maintenance of national ports shall be financed by the National Government, and their administration and operation shall be under the direct supervision and control of the Insular Collector of Customs.

2. Pursuant to the above classification and the provisions of section one thousand one hundred forty-five of the Revised Administrative Code and Commonwealth Act No. 175, the following ports are hereby designated as national ports:

I. (a) PORTS OF ENTRY OPEN TO OVERSEAS SHIPPING:

Provinces	Ports
Albay	(1) Legaspi
Cagayan	(2) Aparri
Camarines Norte	(3) Jose Pañganiban (formerly Mambulao)
Cebu	(4) Cebu
Davao	(5) Davao
Iloilo	(6) Iloilo
Manila	(7) Manila

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Provinces	Ports
Sulu	(8) Jolo
Zamboanga	(9) Zamboanga

(b) PORTS OF ENTRY WITHOUT CUSTOMS FACILITIES AND OPEN TO OVERSEAS SHIPPING UPON ISSUANCE OF SPECIAL PERMITS BY THE INSULAR COLLECTOR OF CUSTOMS:

Provinces	Ports
Albay	(1) Tabaco
Occidental Negros	(2) Pulupandan
Pangasinan	(3) Sual
Tayabas	(4) Hondagua

II. PORTS OPEN TO COASTWISE TRADE ONLY:

Provinces	Ports
Agusan	(1) Nasipit
Albay	(2) Virac (Catanduanes)
Antique	(3) San Jose de Buenavista
Bataan	(4) Mariveles
Batanes	(5) Basco
Do	(6) Contra Costa
Batangas	(7) Batangas
Do	(8) Nasugbu
Bohol	(9) Tagbilaran
Capiz	(10) Capiz
Cotabato	(11) Makar
Do	(12) Parang
Ilocos Norte	(13) Ca-an Bay
Ilocos Sur	(14) San Ildefonso
Do	(15) Solvec
Lanao	(16) Iligan
La Unión	(17) San Fernando
Leyte	(18) Tacloban
Marinduque	(19) Balanacan
Masbate	(20) Masbate
Mindoro	(21) Calapan
Occidental Misamis	(22) Jimenez
Oriental Misamis	(23) Cagayan
Oriental Negros	(24) Dumaguete
Palawan	(25) Balabac
Do	(26) Culion

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Provinces	Ports
Palawan	(27) Puerto Princesa
Romblon	(28) Romblon
Samar	(29) Borongan
Do	(30) Catbalogan
Sorsogon	(31) Magallanes
Sulu	(32) Sitankai
Do	(33) Siasi
Do	(34) Batobato
Surigao	(35) Surigao
Zamboanga	(36) Puluán
Do	(37) Malangas

3. *Municipal ports.*—Municipal ports shall comprise all other ports not classified as national ports. The administration and operation of municipal ports shall be under the municipal councils concerned, subject to the general regulations that may be issued by the Insular Collector of Customs, pursuant to the provisions of Chapter Thirty-nine of the Administrative Code. The maintenance and improvement of these ports shall be financed by the municipalities concerned and from appropriations authorized by the National Government and such work shall be carried out with the advice and under general supervision of the Director of Public Works.

4. Any municipal port may hereafter be declared a national port or any national port declared a municipal port, when it is considered necessary to do so in the interest of commerce, for the enforcement of customs regulations, or for national defense purposes.

This Order shall take effect as of this date.

Done at the City of Manila, this twentieth day of February, in the year of Our Lord, nineteen hundred and forty, and of the Commonwealth of the Philippines, the fifth.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 255

FIXING AND REGULATING THE COLLECTION OF WHARF OR PIER
CHARGES FOR THE USE OF PORT FACILITIES

Whereas the ports of the Philippines have been classified by Executive Order No. 195 dated March 13, 1939, as revised by Executive Order No. 254 dated February 20, 1940;

Whereas it appears advisable that a definite policy be adopted fixing and regulating the collection of wharf or pier charges for the use of port facilities throughout the Philippines; and

Whereas the collection of fees at municipal ports is authorized by Act Numbered Twenty-seven hundred and eleven, known as the Administrative Code;

Now, therefore, I, Manuel L. Quezon, President of the Philippines, by virtue of the authority in me vested by law, do hereby order that berthing fees shall be collected at all National ports in the amounts and under the conditions hereinafter set forth, viz.:

(1) *Vessels in foreign trade.*—(a) Every vessel engaged in foreign-carrying trade which berths at a pier, wharf, bulkhead-wharf, river or channel marginal wharf at any National port in the Philippines provided with cargo sheds, or makes fast to any vessel lying at such wharf or pier, for the purpose of discharging and/or loading cargo shall pay a berthing fee of two centavos (₱0.02) per registered gross ton of vessel for the first twenty-four (24) hours, or part thereof, and for each succeeding twenty-four (24) hours, or part thereof, exceeding three (3) hours, the same berthing

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fee shall be paid: *Provided*, That the maximum charge shall not exceed two hundred pesos (P200.00) per day.

(b) Every vessel engaged in foreign-carrying trade which berths at a pier, wharf, bulkhead-wharf, river or channel marginal wharf at any National port in the Philippines without cargo sheds, or makes fast to any vessel lying at such wharf or pier, for the purpose of discharging and/or loading cargo shall pay a berthing fee of one and one-half centavos (P0.015) per registered gross ton of vessel for the first twenty-four (24) hours, or part thereof; and for each succeeding twenty-four (24) hours, or part thereof, exceeding three (3) hours, the same berthing fee shall be paid: *Provided*, That the maximum charge shall not exceed one hundred fifty pesos (P150.00) per day.

(2) *Non-cargo vessels*.—Every vessel engaged in foreign-carrying trade which berths at a pier, wharf, bulkhead-wharf, river or channel marginal wharf at any National port in the Philippines, or makes fast to any vessel lying at such wharf or pier, for the sole purpose of landing and/or taking passengers, or for taking fresh water or fuel for bunkers shall pay a berthing fee of one centavo (P0.01) per registered gross ton of vessel: *Provided*, That such vessel remains at such berth not to exceed eight (8) hours, but if such vessel remains at such berth more than eight (8) hours, the same berthing fee shall be paid, as is provided in the preceding paragraph for cargo vessels; *And provided also*, That the maximum charge shall not exceed one hundred pesos (P100.00) per day..

(3) *Vessels in the Philippine coastwise trade*.—(a) Every vessel propelled by steam or internal combustion engines and engaged in the Philippine coastwise trade, excepting boats of five tons gross or less or pleasure or non-commercial craft, which berths at a pier, wharf, bulkhead-wharf, river or channel marginal wharf at any National port in the Philippines provided with cargo sheds or makes fast to any vessel lying at such wharf or pier, for the purpose of loading or discharging cargo or for any other purpose, except when in distress, shall pay a berthing fee of one centavo (P0.01) per

registered gross ton for the first twenty-four (24) hours or part thereof, and one-half centavo (₱0.005) per registered gross ton for each succeeding twenty-four (24) hours or part thereof: *Provided*, That the maximum charge shall not exceed one hundred pesos (₱100.00) for the first day and fifty pesos (₱50.00) for each succeeding day or part thereof, nor shall the minimum charge be less than ten pesos (₱10.00) for the first day and five pesos (₱5.00) for each succeeding day or part thereof.

(b) Every Philippine vessel engaged in coastwise trade which berths at a pier, wharf, bulkhead-wharf, river or channel marginal wharf without a cargo shed at any National port or makes fast to any vessel lying at such pier, wharf, bulkhead-wharf, river or channel marginal wharf for any purpose, except those specifically exempted in the preceding subparagraph, shall pay a berthing fee of one-half centavo (₱0.005) per registered gross ton of vessel for the first twenty-four (24) hours or part thereof, and one-fourth centavo (₱0.0025) per registered gross ton of vessel for each succeeding twenty-four (24) hours or part thereof: *Provided*, That the maximum charge shall not exceed twenty-five pesos (₱25.00) for the first day and twelve pesos (₱12.00) for each succeeding day or part thereof, nor shall the minimum charge be less than one peso (₱1.00) for the first day and fifty centavos (₱0.50) for each succeeding day or part thereof.

(4) *Collection of fees.*—The berthing fees herein authorized for the use of National port facilities shall be collected by the Insular Collector of Customs, or his duly authorized representatives and deposited in the Philippine Treasury: *Provided*, That for this purpose, Customs Inspectors, Provincial and Municipal Treasurers, and other government officials, shall act as the representatives of the Insular Collector of Customs at non-entry ports when so designated by the Insular Collector of Customs with the approval of the Secretary of Finance and the consent of the Department Head concerned: *Provided, further*, That vessels owned by the Governments of the United States or the Philippines or by foreign govern-

ments, not engaged in carrying cargo or passengers for hire, shall be exempt from the payment of berthing fees.

(5) *Rules and regulations.*—The Insular Collector of Customs shall, subject to the approval of the Secretary of Finance, promulgate all rules and regulations to enforce the provisions of this Order, contained in paragraphs (1) to (4), inclusive.

(6) *Collection of berthing fees at municipal ports.*—Municipalities may collect berthing fees at municipal ports, pursuant to the provisions of section 2318 of the Revised Administrative Code, not to exceed those specified in paragraph (3) hereof, provided that such collections shall be credited to a special fund and used only for the maintenance and improvement of the port at which the collections are made.

This Order shall take effect on April first, 1940.

Done at the City of Manila, this twenty-first day of February, in the year of Our Lord, nineteen hundred and forty, and of the Commonwealth of the Philippines, the fifth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 270

AMENDING EXECUTIVE ORDER NO. 255, ENTITLED "FIXING AND REGULATING THE COLLECTION OF WHARF OR PIER CHARGES FOR THE USE OF PORT FACILITIES."

Section three of Executive Order Numbered two hundred and fifty-five, dated February twenty-first, nineteen hundred and forty, is amended so as to read as follows:

"(3) *Vessels in the Philippine coastwise trade.*—(a) Every vessel propelled by steam or internal combustion engines and engaged in the Philippine coastwise trade, excepting boats of five tons gross or less or pleasure or noncommercial craft, which berths at a pier, wharf, bulkhead-wharf, river, or channel marginal wharf at any national port in the Philippines provided with cargo sheds or makes fast to any vessel lying at such wharf or pier, for the purpose of loading or discharging cargo or for any other purpose, except when in distress, shall pay a berthing fee of one-half centavo per registered gross ton for the first twenty-four hours or part thereof, and one-fourth centavo per registered gross ton for each succeeding twenty-four hours or part thereof: *Provided*, That the maximum charge shall not exceed fifty pesos for the first day and twenty-five pesos for each succeeding day or part thereof, nor shall the minimum charge be less than five pesos for the first day and two pesos and fifty centavos for each succeeding day or part thereof.

"(b) Every vessel propelled by steam or internal combustion engines and engaged in coastwise trade which berths at a pier, wharf, bulkhead-wharf, river, or channel margin-

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al wharf without a cargo shed at any national port or makes fast to any vessel lying at such pier, wharf, bulkhead-wharf, river, or channel marginal wharf for any purpose, except those specifically exempted in the preceding subparagraph, shall pay a berthing fee of one-fourth centavo per registered gross ton of vessel for the first twenty-four hours or part thereof, and one-eighth centavo per registered gross ton of vessel for each succeeding twenty-four hours or part thereof: *Provided*, That the maximum charge shall not exceed twelve pesos and fifty centavos for the first day and six pesos for each succeeding day or part thereof, nor shall the minimum charge be less than fifty centavos for the first day and twenty-five centavos for each succeeding day or part thereof."

This Order shall take effect as of April first, nineteen hundred and forty.

Done at the City of Manila, this twenty-fifth day of April, in the year of Our Lord, nineteen hundred and forty, and of the Commonwealth of the Philippines, the fifth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 289

REVISING FURTHER EXECUTIVE ORDER NO. 72 DATED DECEMBER
3, 1936, ESTABLISHING A CLASSIFICATION OF PORTS

The following ports are hereby included in the classification
of National Ports open to coastwise trade:

Province	Ports
Occidental Negros	San Carlos.
Sorsogon	Bulan.

Executive Order No. 72, dated December 3, 1936, as amend-
ed by Executive Orders Nos. 195 and 254, dated March 13,
1939 and February 20, 1940, respectively, is further amend-
ed accordingly.

Done at the City of Manila, this eighth day of July, in the
year of Our Lord, nineteen hundred and forty, and of the
Commonwealth of the Philippines, the fifth.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS
Secretary to the President

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[COMMONWEALTH ACT No. 175]

AN ACT TO AMEND SECTION ELEVEN HUNDRED AND FIFTY-ONE OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, KNOWN AS THE ADMINISTRATIVE CODE, AS AMENDED BY ACT NUMBERED THIRTY-ONE HUNDRED AND SIX, BY ADDING JOSE PANGANIBAN (FORMERLY MAMBULAO) AND APARRI AS PORTS OF ENTRY, AND PROVIDING NECESSARY FUNDS THEREFOR.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section eleven hundred and fifty-one of Act Numbered Twenty-seven hundred and eleven, known as the Administrative Code, as amended by Act Numbered Thirty-one hundred and six, is hereby further amended to read as follows:

"SEC. 1151. *Collection districts and ports of entry thereof.*—For administrative purposes, the Philippines shall be divided into twelve collection districts, the respective limits of which may be changed from time to time in the discretion of the Collector of Customs; but the Provinces of Pangasinan and La Union shall belong to the district of Pangasinan, with Sual as its port of entry, and the Province of Tayabas to the district of Tayabas, with Hondagua as its port of entry. The principal ports of entry for the respective collection districts shall be Manila, Sual, Tabaco, Legaspi, Pulupandan, Iloilo, Cebu, Zamboanga, Jolo, Hondagua, Jose Panganiban (formerly Mambulao), and Aparri."

SEC. 2. For the establishment and operation of a custom-house at the port of Jose Panganiban (formerly Mambulao), the following amounts are hereby appropriated out of the Philippine Treasury not otherwise appropriated:

One collector of customs.....	₱4,250.00
One appraiser	1,700.00
One clerk	720.00
One clerk	540.00
Four guards, at ₱540 each.....	2,160.00
One messenger	360.00
One watchman	360.00
Rent of office and warehouses.....	1,200.00
Office equipment	1,720.00
One Diesel motorboat	6,000.00
Sundry expenses	970.00
Maintenance and repairs.....	200.00
Wages and crew of motorboat:	
One patron	864.00
One machinist	864.00
Two sailors, at ₱300 each.....	600.00
Subsistence of crew of motorboat:	
Four members of crew, at ₱0.40 per day each	657.60
Clothing allowance to crew of motorboat:	
Ten uniform white suits.....	37.00
Five uniform black suits.....	16.40
Total	₱23,219.00

SEC. 3. For the establishment and operation of a custom-house at the port of Aparri, the following amounts are hereby appropriated out of the Philippine Treasury not otherwise appropriated:

One collector of customs.....	₱4,250.00
One appraiser	1,700.00
One clerk	720.00
One clerk	540.00
Four guards, at ₱540 each.....	2,160.00

One messenger	₱360.00
One watchman	360.00
Rent of office and warehouses.....	1,200.00
Office equipment	1,720.00
One Diesel motorboat.....	6,000.00
Sundry expenses	970.00
Maintenance and repairs.....	200.00
Wages and crew of motorboat:	
One patron	864.00
One machinist	864.00
Two sailors, at ₱300 each.....	600.00
Subsistence of crew of motorboat:	
Four members of crew, at ₱0.40 per day each	657.60
Clothing allowance to crew of motorboat:	
Ten uniform white suits.....	37.00
Five uniform black suits.....	16.40
 Total	 ₱23,219.00

SEC. 4. This Act shall take effect upon its approval.

Approved, November 13, 1936.

4038



[COMMONWEALTH ACT No. 668]

AN ACT TO AMEND SECTION ELEVEN HUNDRED AND FIFTY-ONE OF THE ADMINISTRATIVE CODE, AS AMENDED BY ACT NUMBERED THIRTY-ONE HUNDRED AND SIX, AND COMMONWEALTH ACT NUMBERED ONE HUNDRED SEVENTY-FIVE, BY ADDING CAGAYAN, PROVINCE OF MISAMIS ORIENTAL, AS PORT OF ENTRY.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section eleven hundred and fifty-one of the Administrative Code, as amended by Act Numbered Thirty-one hundred and six, and Commonwealth Act Numbered One hundred seventy-five, is further amended to read as follows:

"SEC. 1151. *Collection districts and ports of entry thereof.*—For administrative purposes, the Philippines shall be divided into fourteen collection districts, the respective limits of which may be changed from time to time in the discretion of the Insular Collector of Customs; but the Provinces of Pangasinan and La Union shall belong to the district of Pangasinan, with Sual as its port of entry, and the Province of Tayabas to the district of Tayabas, with Hondagua as its port of entry. The principal ports of entry for the respective collection districts shall be Manila, Sual, Tabaco, Cebu, Pulupandan, Hondagua, Iloilo, Davao, Legaspi, Zamboanga, Jolo, Aparri, Jose Pañganiban, and Cagayan.

SEC. 2. For the establishment and operation of the Customs service at the Port of Cagayan, Province of Misamis

Oriental, the following amounts are appropriated out of the National Treasury not otherwise appropriated:

One Collector of Customs	₱4,800.00
One appraiser	1,800.00
One examiner	960.00
One clerk-cashier	960.00
One clerk	720.00
One clerk	480.00
One wharfinger	660.00
One inspector	540.00
One guard	600.00
Three guards at ₱480 each	1,440.00
One messenger	360.00
Three policemen at ₱600 each.....	1,800.00
One secret service agent	960.00
One secret service agent	720.00
Skilled, semi-skilled, and unskilled laborers paid by the hour	1,000.00
Rent for a customhouse building and ware- house	1,800.00
Uniform allowance for inspector, guards and policemen	240.00
Sundry expenses	1,000.00
Office equipment	2,000.00
Total	<u>₱22,840.00</u>

SEC. 3. This Act shall take effect upon its approval.
Enacted, without Executive approval, June 22, 1941.

55794



[COMMONWEALTH ACT No. 196]

AN ACT AMENDING SECTION ELEVEN HUNDRED AND SEVENTY-TWO OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, KNOWN AS THE ADMINISTRATIVE CODE OF NINETEEN HUNDRED AND SEVENTEEN, AS AMENDED BY ACTS NUMBERED TWENTY-NINE HUNDRED AND TWELVE AND THIRTY HUNDRED AND EIGHTY-FOUR.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The third paragraph of section eleven hundred and seventy-two of Act Numbered Twenty-seven hundred and eleven, as amended by Acts Numbered Twenty-nine hundred and twelve and Thirty hundred and eighty-four, is hereby further amended to read as follows:

"Any vessel of more than fifteen tons gross which on February eighth, nineteen hundred and eighteen, had a certificate of Philippine register under existing law, shall likewise be deemed a vessel of domestic ownership so long as there shall not be any change in the ownership nor any transfer of stock of the companies or corporations owning such vessel to persons who are not citizens of the Philippine Islands or of the United States, and if any such vessel should have been, during this year, or should be, hereafter, totally lost through shipwreck, collision or any other marine disaster, while being lawfully operated under the provisions hereof, it may be replaced with another vessel of the same or lesser tonnage by the same person, company, or corporation owning and operating same by virtue of this section, under such terms and conditions as may be prescribed by the Collector of Customs consistent with public policy and with the view to its utility for Government service in case of war or any public emergency."

SEC. 2. This Act shall take effect upon its approval.

Approved, November 18, 1936.

[COMMONWEALTH ACT No. 293]

AN ACT TO AMEND SECTION ELEVEN HUNDRED
NINETY-EIGHT OF THE ADMINISTRATIVE
CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section eleven hundred ninety-eight of the Administrative Code is further amended so as to read as follows:

"SEC. 1198. *Marine investigation and suspension or revocation of marine certificates.*—There shall be maintained in the Bureau of Customs at Manila a Board of Marine Inquiry to consist of five members to wit: The Surveyor of the Port as chairman ex officio, two master mariners and two chief engineers of the Philippine merchant marine, who shall be appointed by the Secretary of Finance. The members of the board shall receive a per diem of twenty pesos for each day of not less than seven hours of service rendered in connection with marine investigations. Three members present shall constitute a quorum for the transaction of business. In case of inability or absence of the Surveyor of the Port, a temporary chairman may be chosen by the members from among themselves. Such board shall have the power to investigate marine accidents and professional conduct of marine officers, giving the party affected an opportunity to be heard in his defense. The decision of the Insular Collector of Customs based upon the findings and recommendations of the board, reprimanding a licensed marine officer or suspending or revoking any marine certificate on account of professional misconduct, intemperate habits, negligence or incapacity shall be final unless, within thirty days after its promulgation, an

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appeal is perfected and filed in the Office of the Secretary of Finance who may confirm, revoke, or modify said decision.

"Rules and regulations governing the procedure of marine investigations shall be promulgated by the Secretary of Finance.

"The Insular Collector of Customs may, with the approval of the Secretary of Finance, authorize collectors of customs to appoint boards for the purpose of investigating marine accidents or charges preferred against marine officers in their respective districts. The proceedings of such investigations together with the findings and recommendations of said board shall be submitted, through the Insular Collector of Customs, to the Board of Marine Inquiry, Manila, for final review and recommendation.

"In order to safeguard lives and properties at sea, a collector of customs may withhold clearance of any Philippine vessel whenever he has cogent motives to fear for the mental condition or capacity, whether permanent or otherwise, of her master, mate or engineer under investigation, pending the final decision thereon."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 9, 1938.

19384



[No. 4161]

AN ACT TO AMEND SECTION TWELVE HUNDRED AND EIGHTEEN OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, KNOWN AS THE ADMINISTRATIVE CODE, AS AMENDED BY ACT NUMBERED THIRTY-FOUR HUNDRED AND SEVENTY-TWO, RELATIVE TO VESSELS ELIGIBLE FOR BAY AND RIVER LICENSE.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section twelve hundred and eighteen of Act Numbered Twenty-seven hundred and eleven, known as the Administrative Code, as amended by Act Numbered Thirty-four hundred and seventy-two, is hereby further amended to read as follows:

"SEC. 1218. *Vessels eligible for bay and river license.*—To be eligible for the bay and river license, a vessel must be built in the Philippine Islands or in the United States, and the ownership of such vessel must be vested in some one or more of the following classes of persons: (a) citizen of the United States; (b) citizens of the Philippine Islands; (c) domestic corporation or companies seventy per centum of whose corporate capital belongs to citizens of the United States or of the Philippine Islands: *Provided*, That the present owners of vessels with bay and river license under existing law who do not possess any of the requirements herein prescribed, may nevertheless continue operating such vessels as eligible for said bay and river license."

SEC. 2. This Act shall take effect on its approval.
Approved, December 1, 1934.

[COMMONWEALTH ACT No. 406]

AN ACT AMENDING SECTION TWELVE HUNDRED
AND NINETY OF THE ADMINISTRATIVE CODE
SO AS TO GIVE COLLECTORS OF CUSTOMS
DISCRETIONARY POWER TO IMPOSE SUR-
CHARGES.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section twelve hundred and ninety of the Administrative Code, is amended so as to read as follows:

"SEC. 1290. *Undervaluation and misdescription in entry.*—When imported merchandise shall be so declared and entered as to the value or classification thereof that the taxes, if estimated on the face of the entry, would be less by ten *per centum* than by law should be collected, or when the dutiable weight, measurement, or quantity of imported merchandise is found upon examination to exceed by ten *per centum* or more the entered weight, measurement, or quantity, a surcharge may, in the discretion of the collector of customs and subject to the approval by the Secretary of Finance, be imposed upon the importer of not less than the additional amount required to pay the full tax on merchandise, and not more than five times such additional amount so required."

SEC. 2. This Act shall take effect upon its approval.

Approved, September 13, 1938.

22266



[No. 4206]

AN ACT TO AMEND PARAGRAPH (w) OF SECTION FOURTEEN HUNDRED AND FOURTEEN OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, KNOWN AS THE ADMINISTRATIVE CODE, BY REDUCING THE FEE FOR EACH SPECIAL RETURN CERTIFICATE FROM TWENTY PESOS TO FIVE PESOS.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Paragraph (w) of section fourteen hundred and fourteen of Act Numbered Twenty-seven hundred and eleven, known as the Administrative Code, is hereby amended to read as follows:

“(w) For each special return certificate, five pesos.”

SEC.-2. This Act shall take effect upon its approval.

Approved, July 30, 1935.

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[COMMONWEALTH ACT No. 497]

AN ACT TO AMEND SECTION ONE THOUSAND FOUR
HUNDRED AND SEVENTEEN OF THE ADMINIS-
TRATIVE CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section one thousand four hundred and seven-
teen of the Administrative Code is amended to read as
follows:

"SEC. 1417. *Tonnage dues on vessels engaged in Philip-
pine trade.*—There shall be collected at all ports and places
in the Philippines from any vessel coming from or going
to a port or place outside of the territory of the Philippines,
irrespective of nationality, twelve and one-half centavos per
net ton as expressed in her certificate of registry, or thirty-
five centavos per thousand kilograms of merchandise dis-
charged or laden in Philippine ports, at the option of the
master or consignee of the vessel: *Provided, however,* That
the President may, by executive order, increase the tonnage
dues to an amount not exceeding five pesos per net ton as
expressed in the certificates of registry of such vessels,
and suspend the privilege above granted to the masters or
consignees of vessels to exercise the option of selecting as
basis for the payment of the said tonnage dues between
registered net tonnage and the amount of cargo discharged
or laden."

SEC. 2. This Act shall take effect on its approval.

Approved, September 30, 1939.

36580



[COMMONWEALTH ACT No. 380]

AN ACT REQUIRING THE MANAGER OR PERSON IN CHARGE OF ANY SWEEPSTAKE, LOTTERY OR OTHER SIMILAR SCHEME FOR THE DISTRIBUTION OF PRIZES, AUTHORIZED TO BE CONDUCTED BY THE NATIONAL GOVERNMENT OR BY ANY SUBDIVISION, AGENCY OR INSTRUMENTALITY THEREOF, TO DEDUCT THE INCOME TAX DUE FROM WINNERS OF THE PRIZES AND TO PAY THE AMOUNT SO DEDUCTED TO THE COLLECTOR OF INTERNAL REVENUE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. It shall be the duty of the manager or person in charge of any sweepstake, lottery or other similar scheme for the distribution of prizes, authorized to be conducted by the National Government or by any subdivision, agency or instrumentality thereof, before paying the prizes, to deduct from the said prizes such sum as will be sufficient to cover the amount of income tax due from each prize winner, and to pay the amount so deducted to the Collector of Internal Revenue or his deputies within thirty days from the date the amount of the tax has been determined, and the said manager or person in charge is hereby made personally liable for such tax in case he fails to make the deduction and payment herein required to be made. The amount of income tax to be deducted, as herein provided, shall be determined after consultation with the Collector of Internal Revenue.

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SEC. 2. All administrative, special, and general provisions of law, including the laws in relation to the assessment, remission, collection, and refund of internal revenue taxes, not inconsistent with the provisions of this law, are hereby extended and made applicable to all the provisions of this law and to the tax herein imposed.

SEC. 3. All laws inconsistent with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect upon its approval.

Approved, August 23, 1938.

22286



[COMMONWEALTH ACT No. 215]

AN ACT TO AMEND SECTIONS FOURTEEN HUNDRED AND FIFTY-SEVEN, FOURTEEN HUNDRED AND FIFTY-NINE, FOURTEEN HUNDRED AND SIXTY-FOUR, FOURTEEN HUNDRED AND SIXTY-SIX, AND FOURTEEN HUNDRED AND SEVENTY-THREE OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, COMMONLY KNOWN AS THE REVISED ADMINISTRATIVE CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section fourteen hundred and fifty-seven of the Administrative Code is hereby amended so as to read as follows:

"SEC. 1457. *Fixed tax upon business subject to percentage tax.*—Every person not hereinbelow exempted engaging in a business on which the percentage tax is imposed shall pay a fixed annual tax of four pesos. This tax shall be payable for each calendar year or fraction thereof in which such person shall engage in said business. If his receipts do not come up to the minimum limit established for the percentage tax, he may continue in business without further tax until the first day of the next following year. In any case the amount of his business must be reported quarterly as required in the next succeeding section.

"The fixed annual tax shall be payable before the person subject to the same begins to engage in the business, and thereafter within the regulation period in the month of January during which the other fixed privilege taxes may be paid without penalty.

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"The following shall be exempt from the tax imposed in this section:

"(a) Small merchants whose gross quarterly sales do not exceed two hundred pesos.

"(b) Peddlers and sellers at fixed stands of fruit, produce, and food, raw or otherwise, the total selling value whereof does not exceed three pesos per day and who do not renew their stock oftener than once every twenty-four hours.

"(c) Producers of commodities of all classes working in their own homes, consisting of parents and children living as one family, when the value of each day's production by each person capable of working is not in excess of one peso.

"(d) Owners of a single two-wheeled vehicle habitually driven by themselves.

"(e) Owners of a single banca habitually operated by themselves."

SEC. 2. Subsection (a) of section fourteen hundred and fifty-nine of the Administrative Code is hereby amended to read as follows:

"(a) Small merchants whose gross quarterly sales do not exceed two hundred pesos."

SEC. 3. Section fourteen hundred and sixty-four of the Administrative Code is hereby amended by inserting in subsection (w) thereof the phrase "customs brokers, and immigration brokers" and by adding at the end of said section an additional subsection to be known as subsection (z) to read as follows:

"(w) Stockbrokers, real estate brokers, commercial brokers, customs brokers, and immigration brokers, eighty pesos.

"(z) Proprietors, lessees, or concessionaries of cabarets, fifty pesos."

SEC. 4. Paragraphs one and two of section fourteen hundred and sixty-six of the Administrative Code are hereby amended to read as follows:

"SEC. 1466. *Percentage tax on stock, real estate, commercial, customs, and immigration brokers.*—Stock, real

estate, commercial, customs, and immigration brokers, shall pay a percentage tax equivalent to four *per centum* of the gross compensation received by them in excess of five hundred pesos per quarter.

"The Collector of Internal Revenue shall be authorized to prescribe, by regulation, the records to be kept by stock, real estate, commercial, customs, and immigration brokers subject to the tax. These records shall be considered public and official documents for all purposes."

SEC. 5. Section fourteen hundred and seventy-three of the Administrative Code is hereby amended to read as follows:

"SEC. 1473. *Amount of privilege tax on occupation.*—Privilege taxes on occupation shall be collected as follows, the amount stated being the sum due for the whole year:

"(a) Lawyers, medical practitioners, land surveyors, architects, public accountants, and civil, electrical, mechanical, marine, or mining engineers, fifty pesos.

"(b) Dental surgeons, opticians, photographers, engravers, and professional appraisers or connoisseurs of tobacco and other domestic or foreign products, forty pesos.

"(c) *Procuradores judiciales*, insurance agents and sub-agents, and veterinarians, forty pesos.

"(d) Pharmacists, chiropodists, manicurists, tattooers, and masseurs, twenty pesos.

"(e) Midwives and *cirujanos ministrantes* in medicine or dentistry, ten pesos.

"'Medical practitioner' includes persons engaged in the practice of medicine in other capacity than that of *cirujano ministrante* or midwife solely, but excluding physicians or surgeons temporarily called in consultation from another country."

SEC. 6. This Act shall take effect upon its approval.

Approved, November 21, 1936.

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[COMMONWEALTH ACT No. 243]

AN ACT TO AMEND SECTIONS FOURTEEN HUNDRED AND FIFTY-SEVEN AND FOURTEEN HUNDRED AND FIFTY-NINE OF THE ADMINISTRATIVE CODE, AS AMENDED BY COMMONWEALTH ACT NUMBERED TWO HUNDRED AND FIFTEEN.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section fourteen hundred and fifty-seven of the Administrative Code, as amended by Commonwealth Act Numbered Two hundred and fifteen, is hereby further amended to read as follows:

"SEC. 1457. *Fixed tax upon business subject to percentage tax.*—Unless other provisions are made in this or other laws, every person not hereinbelow exempted engaging in a business on which the percentage tax is imposed shall pay a fixed annual tax of four pesos for each calendar year or fraction thereof in which such person shall engage in said business.

"This tax shall be payable before the person subject to the same begins to engage in the business, and thereafter within the regulation period in the month of January during which the other fixed privilege taxes may be paid without penalty.

"The following shall be exempt from the tax imposed in this section:

"(a) All persons engaged in the sale of food products, cooked foods, or refreshments at retail in public market places whose gross monthly sales do not exceed two thousand pesos, and all persons engaged in public market places exclusively in the sale at retail of domestic meat, fruits,

vegetables, game, poultry, fish, and similar domestic food products.

“(b) Peddlers and sellers at fixed stands and other similar selling places engaged exclusively in the sale at retail of domestic meat, fruits, vegetables, game, poultry, fish and similar domestic food products, whose total stock in trade on any one day does not reach a retail value of twenty pesos.

“(c) Producers of commodities of all classes working in their own homes, consisting of parents and children living as one family, when the value of each day's production by each person capable of working is not in excess of two pesos.

“(d) Owners of a single two-wheeled vehicle habitually driven by themselves.

“(e) Owners of a single banca habitually operated by themselves.”

SEC. 2. Subsections (a) and (b) of section fourteen hundred and fifty-nine of the Administrative Code, as amended by Commonwealth Act Numbered Two hundred and fifteen, is hereby further amended to read as follows:

“(a) All persons engaged in the sale of food products, cooked foods, or refreshments at retail in public market places whose gross monthly sales do not exceed two thousand pesos, and all persons engaged in public market places exclusively in the sale at retail of domestic meat, fruits, vegetables, game, poultry, fish, and similar domestic food products.

“(b) Peddlers and sellers at fixed stands and other similar selling places engaged exclusively in the sale at retail of domestic meat, fruits, vegetables, game, poultry, fish and similar domestic food products, whose total stock in trade on any one day does not reach a retail value of twenty pesos.”

SEC. 3. This Act shall take effect from January of nineteen hundred and thirty-seven.

Approved, December 10, 1937.

13998



[COMMONWEALTH ACT NO. 128]

AN ACT TO IMPOSE A PERCENTAGE TAX ON THE GROSS RECEIPTS OF THEATERS, CINEMATOGRAPHS, CONCERT HALLS, CIRCUSES, CABARETS, RACE TRACKS, AND OTHER PLACES OF AMUSEMENT.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. In addition to the fixed tax prescribed in Act Numbered Twenty-nine hundred and eighty-four, as amended by Act Numbered Thirty-eight hundred and sixty-five, and section fourteen hundred and sixty-four of the Administrative Code, as amended by section three of Act Numbered Twenty-eight hundred and thirty-five, section one of Act Numbered Twenty-nine hundred and twenty-five, and section one of Act Numbered Thirty-nine hundred and sixty-three, there is hereby imposed a tax equivalent to five *per centum* of the gross receipts of theaters, cinematographs, concert hall, circuses, boxing exhibitions, cabarets, race tracks, cockpits and other places of amusement whose admission prices exceed forty centavos, but not including the receipts from the sale of liquors, beverages or other articles subject to the specific tax for the conduct of which business the corresponding fixed internal-revenue tax has been paid. The tax on gross receipts herein imposed, shall be collected in the same manner, at the same time, and subject to the same penalties, as the internal-revenue percentage taxes imposed under Article V, Chapter forty, of the Revised Administrative Code.

SEC. 2. The tax herein imposed shall not be paid where the admission fees or charges are collected by or for and in

behalf of any religious, charitable, scientific or educational institution or association and where no part of the net proceeds of such admission fees or charges inures to the benefit of any private stockholder or individual.

SEC. 3. The collection of the tax provided for in this Act shall be made by the Collector of Internal Revenue or his deputies under such rules and regulations as may be prescribed by the Secretary of Finance.

SEC. 4. All administrative, special, and general provisions of law, including the laws in relation to the assessment, remission, collection, and refund of internal-revenue taxes, not inconsistent with the provisions of this law, are hereby extended and made applicable to all of the provisions of this law and to the tax herein imposed.

SEC. 5. All collections made under this law shall accrue to the general funds of the National Government.

SEC. 6. This Act shall take effect upon its approval.

Approved, November 5, 1936.

3134



[COMMONWEALTH ACT No. 203]

AN ACT TO AMEND PARAGRAPH (m) OF SECTION FOURTEEN HUNDRED AND SIXTY-FOUR OF THE REVISED ADMINISTRATIVE CODE, BY INCREASING THE FIXED TAX ON RETAIL LEAF TOBACCO DEALERS FROM TWENTY PESOS TO THIRTY PESOS *PER ANNUM*.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Paragraph (m) of section fourteen hundred and sixty-four of the Revised Administrative Code is hereby amended so as to read as follows:

"SEC. 1464 (m).—Retail leaf tobacco dealers, thirty pesos."

SEC. 2. This Act shall take effect on January first, nineteen hundred and thirty-seven.

Approved, November 18, 1936.

[COMMONWEALTH ACT No. 251]

AN ACT TO AMEND SECTION FOURTEEN HUNDRED
AND SEVENTY-THREE OF THE ADMINISTRATIVE
CODE, AS AMENDED BY COMMONWEALTH
ACT NUMBERED TWO HUNDRED AND FIFTEEN.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section fourteen hundred and seventy-three of the Administrative Code, as amended by Commonwealth Act Numbered Two hundred and fifteen is hereby further amended to read as follows:

"SEC. 1473. *Amount of privilege tax on occupation.*—Privilege taxes on occupation shall be collected as follows, the amount stated being the sum due for the whole year:

"(a) Lawyers, medical practitioners, land surveyors, architects, public accountants, and civil, electrical, mechanical, or mining engineers, insurance agents and sub-agents, fifty pesos.

"(b) Dental surgeons, opticians, photographers, engravers, and professional appraisers or connoisseurs of tobacco and other domestic or foreign products, forty pesos.

"(c) *Procuradores judiciales* and veterinarians, forty pesos.

"(d) Pharmacists, chiropodists, manicurists, tattooers, and masseurs, twenty pesos.

"(e) Midwives and *cirujanos ministrantes* in medicine or dentistry, ten pesos.

"(f) Licensed ship masters and marine chief engineers, when employed and practicing as such, forty pesos.

"(g) Chief mates and marine second engineers, when employed and practicing as such, twenty-four pesos.

"(h) First-class patrons, second mates, and marine third engineers, when employed and practicing as such, sixteen pesos.

"(i) Second-class patrons, third mates, and marine fourth engineers, when employed and practicing as such, ten pesos.

"'Medical practitioner' include persons engaged in the practice of medicine in other capacity than that of *cirujano ministrante* or midwife solely, but excluding physicians or surgeons temporarily called in consultation from another country."

SEC. 2. This Act shall take effect upon its approval.

Approved, December 17, 1937.

14002



[COMMONWEALTH ACT No. 135]

AN ACT AMENDING SECTION ONE THOUSAND FOUR HUNDRED AND EIGHTY-SEVEN OF ACT NUMBERED TWO THOUSAND SEVEN HUNDRED AND ELEVEN, KNOWN AS THE ADMINISTRATIVE CODE, AS AMENDED, FOR THE PURPOSE OF REVISING THE SPECIFIC TAX ON FERMENTED LIQUORS PROVIDED THEREIN.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section one thousand four hundred and eighty-seven of Act Numbered Two thousand seven hundred and eleven, known as the Administrative Code, as amended, is hereby further amended to read as follows:

"SEC. 1487. *Specific tax on fermented liquors.*—On beer, lager beer, ale, porter, and other fermented liquors (except *tuba*, *basi*, *tapuy* and similar domestic fermented liquors) there shall be collected, on each liter of volume capacity, twelve and one-half centavos."

SEC. 2. This Act shall take effect upon its approval.

Approved, November 7, 1936.

2988

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[COMMONWEALTH ACT No. 411]

AN ACT AMENDING SECTION ONE THOUSAND FOUR HUNDRED AND EIGHTY-SEVEN OF ACT NUMBERED TWO THOUSAND SEVEN HUNDRED AND ELEVEN, KNOWN AS THE ADMINISTRATIVE CODE, AS AMENDED BY COMMONWEALTH ACT NUMBERED ONE HUNDRED AND THIRTY-FIVE, RESTORING THE SPECIFIC TAX ON FERMENTED LIQUORS TO ITS FORMER RATE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section one thousand four hundred and eighty-seven of Act Numbered Two thousand seven hundred and eleven, known as the Administrative Code, as amended, is further amended to read as follows:

"SEC. 1487. *Specific tax on fermented liquors.*—On beer, lager beer, ale, porter and other fermented liquors (except tuba, basi, tapuy and similar domestic fermented liquors) there shall be collected, on each liter of volume capacity, ten centavos."

SEC. 2. This Act shall take effect upon its approval.

Enacted, without Executive approval, September 15, 1938.

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[COMMONWEALTH ACT No. 122]

AN ACT TO AMEND SECTION FOURTEEN HUNDRED AND NINETY-FIVE OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, KNOWN AS THE ADMINISTRATIVE CODE, AS AMENDED BY ACTS NUMBERED THIRTY-TWO HUNDRED AND FORTY-EIGHT, THIRTY-TWO HUNDRED AND SEVENTY-FOUR, THIRTY-FIVE HUNDRED AND TWENTY-SIX AND FORTY HUNDRED AND FIFTY-EIGHT, LEVYING A SPECIFIC TAX ON MOTOR SPIRITS AND ALLOTING THE PROCEEDS FOR THE MAINTENANCE, IMPROVEMENT AND CONSTRUCTION OF HIGHWAYS.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section fourteen hundred and ninety-five of Act Numbered Twenty-seven hundred and eleven, as amended by Acts Numbered Thirty-two hundred and forty-eight, Thirty-two hundred and seventy-four, Thirty-five hundred and twenty-six, and Forty hundred and fifty-eight, is hereby further amended to read as follows:

"SEC. 1495. *Specific tax on manufactured oils and other fuels.*—On refined and manufactured mineral oils and other motor fuels, there shall be collected the following taxes:

"(1) Kerosene or petroleum, per liter of volume capacity, one and one-half centavos;

"(2) Lubricating oils, per liter of volume capacity, four centavos;

"(3) Naphtha, gasoline, and all other lighter products of distillation, per liter of volume capacity, five centavos;

"Twenty *per centum* of all money collected under the provisions of subsections two and three of this Act shall accrue to the provincial road and bridge funds of the different provinces in proportion to the cedula sales in each province during the previous year and the remaining eighty *per centum* of said money shall be deposited in the Philippine Treasury to constitute a special fund for the maintenance, reconstruction, improvement, and where practicable, for the construction of provincial and national roads and bridges, to be apportioned by the Secretary of Public Works and Communications to the different provinces in the following proportions:

"Twenty per cent equally among all the provinces;

"Twenty per cent in proportion to the combined length of first and second-class roads maintained throughout the previous year in each province;

"Twenty per cent in proportion to the land area.

"Twenty per cent in the discretion of the Secretary of Public Works and Communications for the maintenance, improvement, or construction of interprovincial and coast-to-coast roads or for the maintenance and improvement of roads subject to unusually heavy traffic.

"*Provided*, That the Subprovince of Catanduanes should be considered as a province separated and independent from the Province of Albay for the purposes of this law: *Provided however*, That chartered cities shall each receive a share equal to that of a province: *And provided, further*, That the share corresponding to the chartered cities together with the share corresponding to the province to which said cities were formerly attached shall in no case exceed the whole amount which corresponded to the city and the province together prior to their separation.

"The eighty *per centum* of the funds herein set aside are hereby appropriated exclusively for the maintenance, reconstruction, improvement, and where practicable, for the construction of provincial and national roads and bridges; and the said funds shall be expended only upon projects to be designated by the Secretary of Public Works and Communications.

"Whenever the above-mentioned oils are used in aviation, the specific tax thereon shall be refunded by the Collector of Internal Revenue upon the submission of a sworn certificate satisfactory to him proving that the said oils were actually used in aviation."

SEC. 2. This Act shall take effect on January 1, 1937.

Approved, November 3, 1936.

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BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 71

ESTABLISHING A CLASSIFICATION OF ROADS

1. For the purpose of classifying and establishing the limits of public roads and fixing the responsibilities for the proper maintenance of the roads built or to be built, and upon the recommendation of the National Transportation Board created by Executive Order Numbered Forty-five, I, Manuel L. Quezon, President of the Philippines, do hereby establish the following classification of roads:

I. NATIONAL ROADS:

All roads now classified as Insular roads; main traffic routes connecting provincial capitals with important commercial centers, national airports, national seaports, and national parks and roads of military importance, which may be so designated by the President upon favorable recommendation of the Secretary of Public Works and Communications. National roads shall have a right-of-way of not less than twenty (20) meters.

II. PROVINCIAL ROADS:

All roads connecting one municipality with another municipality, the termini to be the public plazas; all roads extending from a municipality, or from a provincial or national road to a public wharf or railway station; and any other road which may be so designated by the Secretary of Public Works and Communications upon request of the Provincial Board concerned and upon favorable recommendation of the Director of Public Works. Provincial roads shall have a right-of-way of not less than fifteen meters.

III. MUNICIPAL ROADS:

All highways not included in the above classifications. Municipal roads shall have a right-of-way of not less than ten (10) meters.

2. Pursuant to the above classification, the following roads and streets are hereby designated as:

I. NATIONAL ROADS:

	From Km.	To Km.	Length Km.
ABRA—			
(1) Abra-Ilocos Sur Interprovincial Road....	404.4	426.7	22.3
(2) Abra-Kalinga Interprovincial Road.....	426.7	498.0	71.3
(3) Abra-Ilocos Norte Interprovincial Road..	426.7	492.7	66.0
AGUSAN—			
(1) Agusan-Misamis Oriental Interprovincial Road	0.0	39.7	39.7
(2) Agusan-Surigao Interprovincial Road.....	0.0	74.0	74.0
(3) Agusan-Davao Interprovincial Road.....	0.0	160.0	160.0
(4) Butuan-Airport Road	0.25	0.25	.....
(5) Butuan-Lianga Interprovincial Road.....	0.0	78.0	78.0
ALBAY—			
(1) Manila-South Road	517.70	578.40	60.70
(2) Daraga-Legaspi-Tiw i-Camarines Sur Boundary Road	563.20	625.30	62.10
(3) Legaspi Airport Road	571.50	574.50	3.00
(4) Ligao-Tabaco Road	548.20	575.50	27.30
(5) Mount Mayon Park Road	562.50	581.10	18.60
CATANDUANES—			
(1) Viga-Calolbon-Bato Road .....	.....	.....	91.00
ANTIQUE—			
(1) Antique-Capiz Interprovincial Road.....	0.0	134.2	134.2
(2) Antique-Iloilo Interprovincial Road.....	0.0	24.5	24.5
(3) San Jose Airport Road	3.0	5.0	2.0
BATAAN—			
(1) Bataan-Pampanga Interprovincial Road	102.07	128.80	26.73
(2) Bataan-Zambales Interprovincial Road...	105.40	125.20	19.80
(3) Balanga-Mariveles Road	128.80	171.05	42.25
BATANES—			
(1) Basco-Mahatao-Ivana-Uyugan Road.....	0.0	19.0	19.0
(2) Basco Airport Road.....	0.0	3.0	3.0
BATANGAS—			
(1) Manila-South Road	63.5	76.74	13.24
(2) Batangas-Lemery-Tagaytay Road	114.7	164.6	49.90
(3) Batangas-Tayabas Interprovincial Road...	{ 96.7 100.1	{ 103.6 117.2 }	{ 24.00
(4) Manila-Batangas Road	67.5	117.2	49.7
(5) Cavite-Tuy-Nasugbu Fort	88.4	121.08	32.68
(6) Batangas Airport Road	112.7	112.7	.....
(7) Nasugbu-Calatagan Road	180.5	207.0	26.5
(8) Santo Tomas-Tagaytay Interprovincial Road	67.1	96.7	29.6
(9) Banaybanay-Majon Junction Road.....	93.9	111.5	17.6
BENGUET—			
(1) Kennon Road	223.80	249.60	25.80
(2) Baguio-Bauang Road	268.00	286.90	18.90
(3) Baguio-Bontoc Road	263.90	348.00	84.10
(4) Baguio-Itogon Road	263.30	278.30	15.00
BOHOL—			
(1) Tagbilaran-Loay-Talibon Road	0.0	109.2	109.2
(2) Tagbilaran Airport Road	0.0	2.5	2.5
(3) Tagbilaran-North Road	0.0	112.7	112.7

I. NATIONAL ROADS—Continued.

	From Km.	To Km.	Length Km.
BUKIDNON—			
(1) Bukidnon-Misamis Oriental Interprovincial Road	28.0	109.0	81.0
(2) Malaybalay-Maramag Road	106.0	158.0	52.0
(8) Del Monte Airport Road	39.7	40.7	7.0
(4) Malaybalay Airport Road	106.0	106.0	0.0
BULACAN—			
(1) Manila-North Road	10.4	56.5	46.1
(2) Cagayan Valley Road	42.6	85.9	43.3
(8) Quingua Airport Road	53.0	56.0	3.0
(4) Pullian-Calumpit Road	45.5	56.5	11.0
CAGAYAN—			
(1) Cagayan Valley Road	464.4	582.6	118.2
(2) Cagayan-Ilocos Norte Interprovincial Road	609.5	718.3	108.8
(8) Cagayan-Bontoc Interprovincial Road...	477.8	522.0	44.2
(4) Cagayan-Apayao Interprovincial Road...	515.9	550.9	35.0
(5) Tuguegarao Airport Road	478.8	481.8	3.0
(6) Aparri Airport Road	582.0	583.0	1.0
CAMARINES NORTE—			
(1) Manila-South Road	270.10	392.50	122.4
(2) Talubatib-Mambulao Port Road	340.10	360.6	20.5
(3) Daet Airport Road (Bagasbas).....	359.0	362.5	3.5
CAMARINES SUR—			
(1) Manila-South Road	392.50	518.00	125.50
(2) Pili-Tigaon-Albay Boundary Road.....	481.20	520.30	39.10
(3) Sagnay-Nato Port Road	525.20	531.60	6.40
(4) Naga Airport Road (Km. 11 from Naga)	475.50	476.50	1.00
CAPIZ—			
(1) Capiz-Iloilo Interprovincial Road.....	0.0	65.5	65.5
(2) Capiz-East Road	7.4	54.6	47.2
(8) Capiz-Antique Interprovincial Road.....	15.6	133.2	117.6
(4) Capiz-Kolasi Road	0.0	7.8	7.8
(5) Kalibo-New Washington Road.....	84.3	93.94	9.64
(6) Capiz Airport Road	8.0	8.0	0.0
CAVITE—			
(1) Manila-Cavite Road	14.9	35.5	20.6
(2) Cavite-Batangas Interprovincial Road...	19.7	67.4	47.7
(3) Noveleta-Naic-Tagaytay Road	26.0	78.5	52.5
(4) Tagaytay-Santo Tomas Road	67.4	69.4	2.0
CEBU—			
(1) Cebu-North Road	0.0	110.9	110.9
(2) Cebu-South-San Sebastian Wharf Road	0.0	140.8	140.8
(3) Cebu-Toledo Wharf Road	8.8	49.8	41.0
(4) Cebu Airport Road (Banilad Heights)...	2.85	5.85	3.00
(5) Cebu Marginal Wharf Road	0.0	2.30	2.30
(6) Bogo-Polambato Wharf Road	103.0	105.0	2.00
COTABATO—			
(1) Cotabato-Davao Interprovincial Road.....	12.7	155.80	143.10
(2) Cotabato-Lanao Interprovincial Road...	0.0	56.92	56.92
(8) Makar-Malalag Road	206.80	241.80	35.00
(4) Midsayap-Reina Regente-Makar Road.....	46.8	206.8	160.00
(5) Cotabato Airport Road	0.0	4.0	4.00
DAVAO—			
(1) Davao-Cotabato Interprovincial Road.....	0.0	87.0	87.0
(2) Davao-Agusan Interprovincial Road.....	0.0	144.0	144.0
(8) Digos-Malalag-Makar Road	58.8	113.8	55.0
(4) Davao Airport Road	5.0	5.0	0.0

I. NATIONAL ROADS—Continued.

	From Km.	To Km.	Length Km.
ILOCOS NORTE—			
(1) Manila-North Road	462.6	582.9	120.3
(2) Ilocos Norte-Apayao Interprovincial Road	501.9	569.7	67.8
(3) Ilocos Norte-Abra Interprovincial Road	521.9	551.7	29.8
(4) Laoag Airport Road (Barrio Gabu)	503.6	509.6	6.0
(5) Currimaos Port Road	476.28	476.65	0.37
ILOCOS SUR—			
(1) Manila-North Road	330.0	462.6	132.6
(2) Tagudin-Bontoc Interprovincial Road	337.7	405.6	67.9
(3) Ilocos Sur-Abra Interprovincial Road	395.8	404.4	8.6
(4) Vigan Airport Road	425.0	428.5	3.5
(5) San Ildefonso Port Road	429.0	433.5	4.5
ILOILO—			
(1) Iloilo-Capiz Interprovincial Road	0.0	71.7	71.7
(2) Iloilo-Antique Interprovincial Road	0.0	72.3	72.3
(3) Jaro-Balasan-Capiz Boundary Road	3.0	136.0	133.0
(4) Iloilo Marginal Wharf	0.0	4.13	4.13
(5) Iloilo Airport Road	0.0	0.0	0.0
ISABELA—			
(1) Cagayan Valley Road	314.2	463.2	148.80
(2) Ilagan Airport Road	401.0	401.0	0.0
LAGUNA—			
(1) Manila-South Road	{ 30.5 75.9 }	{ 62.8 98.7 }	54.80
(2) Calamba-Santa Cruz-Rizal Boundary Road	54.6	136.9	82.3
(3) Pagsanjan-Lucena Interprovincial Road	104.03	126.65	22.62
(4) Siniloan-Puerto Real Road	123.3	139.15	15.95
LANAO—			
(1) Lanao-Cotabato Interprovincial Road	0.0	102.7	102.7
(2) Lanao-Zamboanga Interprovincial Road	0.0	123.0	123.0
(3) Lanao-Misamis Oriental Interprovincial Road	31.0	49.7	18.7
(4) Dansalan-Tamparan-Ganassi Road	0.0	56.0	56.0
(5) Camp Keithley Airport Road	0.0	0.0	0.0
(6) Malabang Airport Road	68.5	68.5	0.0
LA UNION—			
(1) Manila-North Road	225.5	330.0	104.5
(2) La Union-Pangasinan Interprovincial Road	233.2	237.6	4.4
(3) Bauang-Baguio Road	276.0	299.3	23.3
(4) San Fernando-Poro Port Road	283.8	286.7	2.9
LEYTE—			
(1) Tacloban-Baybay Road	0.0	111.2	111.2
(2) Palo-Carigara-Ormoc Road	11.5	109.8	98.3
(3) Leyte-Samar Interprovincial Road	0.0	25.5	25.5
(4) Libungao-Palompon Road	89.3	125.0	35.7
(5) Tacloban Airport Road	0.0	2.0	2.0
MARINDUQUE—			
(1) Boac-Santa Cruz-Buyabud Port Road	0.0	32.5	32.5
(2) Mogpog-Balanacan Port Road	4.5	15.0	10.5
(3) Boac-Buenavista Road	0.0	31.0	31.0
MASBATE—			
(1) Masbate-Milagros-Aroroy Road	0.0	77.0	77.0
(2) Masbate-Dimasalang Road	0.0	47.3	47.3
(3) Masbate Airport Road	1.0	1.0	0.0

I. NATIONAL ROADS—Continued.

	From Km.	To Km.	Length Km.
MINDORO—			
(1) Calapan-Pinamalayan (Boñgabon) Road	0.0	102.0	102.0
(2) Calapan Junction-Puerto Galera Road....	4.8	48.0	43.2
(3) Calapan Airport Road	0.0	2.0	2.0
MOUNTAIN PROVINCE—			
(1) Bontoc-Baguio Road	348.0	392.4	44.4
(2) Bontoc-Tagudin Interprovincial Road....	405.5	454.8	49.3
(3) Mountain Province-Cagayan Interprovin- cial Road	454.8	608.8	154.0
(4) Kalinga-Abra Interprovincial Road.....	530.6	598.2	67.6
(5) Mountain Province-Nueva Vizcaya In- terprovincial Road	293.0	408.7	115.7
(6) Apayao-Cagayan Interprovincial Road....	550.9	600.4	49.5
(7) Apayao-Ilocos Norte Interprovincial Road	569.7	642.7	73.0
NUEVA ECIIJA—			
(1) Cagayan Valley Road	85.9	214.9	129.0
(2) Nueva Ecija-Tayabas Interprovincial Road	120.0	177.0	57.0
(3) Nueva Ecija-Tarlac Interprovincial Road	120.0	156.0	36.0
(4) Nueva Ecija-Pampanga Interprovincial Road	95.5	116.0	20.5
(5) Nueva Ecija-Pangasinan Interprovincial Road	143.3	180.6	37.3
(6) Cabanatuan-Airport Road	132.0	135.0	3.0
NUEVA VIZCAYA—			
(1) Cagayan Valley Road.....	215.0	317.82	102.82
(2) Nueva Vizcaya-Mountain Province Intel- provincial Road	289.6	298.00	8.4
(3) Nueva Vizcaya-Pangasinan Interprovin- cial Road	221.4	240.6	19.2
(4) Bagabag Airport Road	295.0	295.00	0.0
OCCIDENTAL MISAMIS—			
(1) Oroquieta-Pagadian Interprovincial Road	0.0	88.0	88.0
(2) Oroquieta-Dipolog Interprovincial Road..	0.0	47.4	47.4
(3) Jimenez Port Road	19.0	19.8	0.8
ORIENTAL MISAMIS—			
(1) Oriental Misamis-Agusan Interprovincial Road	0.0	170.6	170.6
(2) Oriental Misamis-Bukidnon Interprovin- cial Road	14.4	27.9	13.5
(3) Oriental Misamis-Lanao Interprovincial Road	0.0	75.8	75.8
(4) Cagayan Port Road	1.6	4.0	2.4
(5) Cagayan Airport Road	3.0	3.0	0.0
OCCIDENTAL NEGROS—			
(1) Bacolod-Kabankalan Road	0.0	94.7	94.7
(2) Bacolod-North Road	0.0	162.2	162.2
(3) Bagonawa-La Castellana-Vallehermoso Interprovincial Road	42.0	123.0	81.0
(4) Banga-Pulupandan Road	26.5	31.2	4.7
(5) Bacolod Airport Road	4.2	4.2	0.0
ORIENTAL NEGROS—			
(1) Dumaguete-North Road	0.0	150.8	150.8
(2) Vallehermoso-La Castellana Interprovin- cial Road	147.6	165.0	17.4

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I. NATIONAL ROADS—Continued.			
ORIENTAL NEGROS—Continued.			
	From Km.	To Km.	Length Km.
(3) Dumaguete Airport Road.....	2.2	3.2	1.0
(4) Larena-San Juan-Maria Road (Siquijor Island)	0.0	53.9	53.9
PALAWAN—			
(1) Puerto Princesa-North Road	0.0	275.0	275.0
(2) Puerto Princesa-South Road	0.0	202.0	202.0
(3) Puerto Princesa Airport Road	1.8	2.8	1.0
PAMPANGA—			
(1) Manila-North Road	56.5	102.5	46.0
(2) Pampanga-Nueva Ecija Interprovincial Road	71.2	99.3	28.1
(3) Pampanga-Bataan Interprovincial Road	71.2	102.1	30.9
PANGASINAN—			
(1) Manila-North Road	175.0	223.3	48.3
(2) Pangasinan-Tarlac Interprovincial Road..	173.4	235.0	61.6
(3) Pangasinan-La Union Interprovincial Road	235.0	272.9	37.9
(4) Pangasinan-Zambales Interprovincial Road	235.0	297.7	62.7
(5) Pangasinan-Nueva Vizcaya Interprovin- cial Road	188.4	247.7	59.3
(6) Urdaneta-Dagupan Road	188.4	217.0	28.6
RIZAL—			
(1) Manila-South Road	3.07	30.77	27.70
(2) Manila-North Road	6.75	13.88	7.13
(3) Manila-East Road	4.36	69.23	64.87
(4) Manila-Marikina-Pasig Junction Road...	{ 15.79	{ 21.39	14.74
	{ 6.38	{ 15.52	
(5) Pasay-Fort McKinley Road.....	4.59	13.54	8.95
(6) Circumferential Road (Camp Murphy- San Pedro Makati Section).....	13.13	21.63	8.50
(7) Manila-España Junction	6.90	11.20	4.30
ROMBLON—			
(1) Carmen-Odiongan-Looc-Alcantara Road..	7.00	87.0	80.0
(2) Romblon-Sablayan Road	0.0	19.4	19.4
(3) San Fernando-Cajidiocan Road	0.0	17.0	17.0
SAMAR—			
(1) Catbalogan-North Road	0.0	151.0	151.0
(2) Catbalogan-Taft-Borongan Road	0.0	146.5	146.5
(3) Samar-Leyte Interprovincial Road.....	29.6	88.0	58.4
(4) Catarman-Maoon Road	0.0	57.4	57.4
SORSOGON—			
(1) Manila-South Road	578.40	688.50	110.10
(2) Cate-Bulan Road	671.1	684.4	13.3
(3) Abuyog-Barcelona-Irosin Road	623.1	677.6	49.5
(4) Sorsogon Airport Road	621.82	622.17	0.35
SULU—			
(1) Jolo-Tandu Batu Road	0.0	55.2	55.2
(2) Jolo Airport Road	0.0	2.5	2.5
SURIGAO—			
(1) Surigao-Agusan Interprovincial Road.....	0.0	49.0	49.0
(2) Badas-Carrascal Road	27.0	115.2	88.2
(3) Surigao Airport Road	26.0	26.0	0.0
(4) Lianga-Butuan Interprovincial Road	0.0	10.0	10.0
TARLAC—			
(1) Manila-North Road	102.48	175.0	72.52
(2) Tarlac-Nueva Ecija Interprovincial Road	132.06	152.26	20.20

I. NATIONAL ROADS—Continued.			
TARLAC—Continued.			
	From Km.	To Km.	Length Km.
(3) Tarlac-Pangasinan Interprovincial Road	130.97	173.42	42.45
(4) Tarlac Airport Road	131.73	132.73	1.00
(5) Tarlac-Zambales Interprovincial Road...	116.54	153.41	36.87
TAYABAS—			
(1) Manila-South Road	98.73	270.10	171.37
(2) Tayabas-Nueva Ecija Interprovincial Road	177.2	234.5	57.3
(3) Puerto Real-Siniloan Road	139.15	176.15	37.00
(4) Lucena-Pagsanjan Interprovincial Road	133.7	168.9	30.20
(5) Tayabas-Batangas Interprovincial Road	102.6	114.1	11.50
(6) Hondagua Port Road	226.0	228.5	2.50
ZAMBALES—			
(1) Zambales-Pangasinan Interprovincial Road	218.20	231.35	63.15
(2) Zambales-Bataan Interprovincial Road...	125.14	212.70	87.56
(3) Zambales-Tarlac Interprovincial Road...	211.65	252.61	40.96
ZAMBOANGA—			
(1) Zamboanga-Naga Road	0.0	160.0	160.0
(2) Pagadian-Oroquieta Interprovincial Road	0.0	70.0	70.0
(3) Dipolog-Oroquieta Interprovincial Road	0.0	45.16	45.16
(4) Isabela-Lamitan Port Road	0.0	31.6	31.6
(5) Palawan Port Road	3.3	7.3	2.0
			Length Km.
CITY OF BAGUIO—			
(1) Trinidad Road			3.7
(2) Irisan Road			8.0
(3) Kisad Road			1.47
(4) Governor Pack Road			10.43
(5) Session Road			1.7
(6) Military Cut-Off			1.1
(7) Leonard Wood Road			5.3
(8) Baguio Airport Road			9.0
CITY OF MANILA—			
(1) Rizal Avenue			4.41
(2) P. Burgos Street			1.30
(3) Plaza Lawton			.67
(4) Taft Avenue			3.43
(5) Dewey Boulevard			2.95
(6) Katigbak Drive			0.22
(7) New Luneta			1.24
(8) South Boulevard			0.21
(9) Cortabitarte Street			0.27
(10) Mabini Street			0.64
(11) F. B. Harrison			0.10
(12) Vito Cruz Street			0.22
(13) Harrison Boulevard			3.25
(14) Azcarraga Street			3.61
(15) Mendiola Street			2.20
(16) Inverness Street			0.70
(17) Tejeron Street			0.78
(18) Ayala Boulevard			0.82
(19) P. Casal Street			0.52
(20) Tanduay Street			0.13
(21) Legarda Street			1.30
(22) Santa Mesa Street			2.50
(23) Valenzuela Street			0.66
(24) Buenavista Street			0.40
(25) P. Sanchez Street			0.60

I. NATIONAL ROADS—Continued.		Length
CITY OF MANILA—Continued.		Km.
(26)	Morayta Street	0.82
(27)	España Street	1.95
(28)	Rosario Street	0.70
(29)	Juan Luna Street	4.00
(30)	North Bay Boulevard	1.90
(31)	Echague Street	1.00
(32)	General Solano Street	0.45
(33)	C. Aviles Street	1.32
(34)	Forbes Street	2.30
(35)	Dimasalang Street	1.30
(36)	Cavite Street	0.64
(37)	Tayuman Street	1.64
(38)	Bustillos Street	0.14
(39)	Earnshaw Street	0.70
(40)	Muelle del Banco Nacional Street	0.46
(41)	Muelle de la Industria Street	1.20
(42)	Aduana Street	0.82
(43)	Magallanes Drive	1.20
(44)	A. Bonifacio Street	1.45
(45)	25th Street	0.44
(46)	Muelle San Francisco Street	0.96
(47)	13th Street	0.65
(48)	Muelle Tacoma Street	0.35
(49)	Muelle del Codo Street	0.44
(50)	Muelle del Rio Street	0.60
(51)	Isaac Peral Street	1.08
(52)	Canonigo Street	0.80
(53)	Otis Street	0.90
(54)	General Luna Street	1.70
(55)	C. Herran Street	1.57
Total length		10,937.14

GENERAL PROVISIONS

3. The construction, maintenance and improvement of national roads shall be accomplished by district and city engineers under the supervision of the Director of Public Works, and shall be financed from such appropriations as may be authorized by the Commonwealth Government in annual or special appropriation acts. The Secretary of Public Works and Communications shall also allot all funds collected under the provisions of section one thousand four hundred ninety-five of the Revised Administrative Code and Act Numbered Three thousand nine hundred ninety-two, as amended, with the exception of the twenty (20) per centum of said funds that accrue to the road and bridge funds of provinces and chartered cities, for the maintenance and improvement of national roads and whenever practicable or funds are not needed for maintenance purposes, for their construction.

4. The construction, maintenance, and improvement of provincial roads shall be accomplished by district engineers under the supervision of the Director of Public Works subject to existing laws, and shall be financed with provincial funds and such aid as may be authorized by the Commonwealth Government in annual appropriation acts.

5. The construction, maintenance, and improvement of municipal roads shall be accomplished by the municipal governments concerned subject to existing laws, and shall be financed with municipal funds: *Provided, however,* That any municipal road of great importance to the province may, on request of the provincial board and upon favorable recommendation of the Director of Public Works, be classified as a provincial road by the Secretary of Public Works and Communications.

6. The Secretary of Public Works and Communications shall cause the Director of Public Works to prepare from time to time a map showing the proposed system of national and provincial roads, which, upon approval by the President, shall constitute the Official Road Map of the Philippines.

7. Executive Order Numbered One, series of nineteen hundred and ten, Executive Order Numbered One hundred eighty-four, series of nineteen hundred and twenty-nine, and Executive Order Numbered Six hundred twenty-five, series of nineteen hundred and thirty-five, are hereby revoked.

This Order shall become effective on January first, nineteen hundred and thirty-seven.

Done at the City of Manila, this third day of December, in the year of Our Lord, nineteen hundred and thirty-six, and of the Commonwealth of the Philippines, the second.

MANUEL L. QUEZON
President of the Philippines

By the President:

ELPIDIO QUIRINO
Secretary of the Interior

MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 135

ESTABLISHING A CLASSIFICATION OF ROADS (REVISING
EXECUTIVE ORDER NO. 71)

For the purpose of classifying and establishing the limits of public roads and fixing the responsibility for the proper maintenance of the roads built or to be built, and upon the recommendation of the National Transportation Board created by Executive Order Numbered Forty-five, I, Manuel I. Quezon, President of the Philippines, do hereby establish the following classification of roads:

I. NATIONAL ROADS:

All roads now classified as Insular roads; main traffic routes connecting provincial capitals with important commercial centers, National airports, National seaports, and National parks and roads of military importance, which may be so designated by the President upon favorable recommendation of the Secretary of Public Works and Communications. National roads shall have a right-of-way of not less than twenty meters.

II. PROVINCIAL ROADS:

All roads connecting one municipality with another municipality, the termini to be the public plazas; all roads extending from a municipality, or from a provincial or National Road to a public wharf or railway station; and any other road which may be so designated by the Secretary of Public Works and Communications upon request of the provincial board concerned and upon favorable recommendation of the Director of Public

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Works. Provincial roads shall have a right-of-way of not less than fifteen meters.

III. MUNICIPAL ROADS:

(1) All highways not included in the above classifications. Municipal roads shall have a right-of-way of not less than ten meters.

(2) Pursuant to the above classification, the following roads and streets are hereby designated as:

I. NATIONAL ROADS:

	From Km.	To Km.	Length Km.
ABRA—			
(1) Abra-Ilocos Sur Interprovincial Road.....	404.40	426.70	22.30
(2) Abra-Kalinga Interprovincial Road.....	426.70	498.00	71.30
(3) Abra-Ilocos Norte Interprovincial Road..	426.70	469.00	42.30
AGUSAN—			
(1) Agusan-Misamis Oriental Interprovincial Road	0.00	39.70	39.70
(2) Agusan-Surigao Interprovincial Road.....	0.00	74.00	74.00
(3) Agusan-Davao Interprovincial Road (New)	0.00	160.00	160.00
(4) Azpitia-Lianga Interprovincial Road.....	70.00	85.00	15.00
(5) Butuan Cadre Road.....	.....	.....	0.50
ALBAY—			
(1) Manila-South Road	517.70	578.40	60.70
(2) Daraga-Legaspi-Tiwi-Camarines Sur Boundary Road	563.20	625.30	62.10
(3) Legaspi Airport Road.....	571.50	574.50	3.00
(4) Ligao-Tabaco Road	548.20	575.50	27.30
(5) Mount Mayon Park Road.....	562.50	581.10	18.60
(6) Ligao-Panganiran Road	30.30	70.54	40.24
(7) Daraga Cadre Road.....	.....	.....	.....
(8) Mobilization Center Road (Virac, Catanduanes) .....	.....	.....	.....
CATANDUANES—			
(1) Viga-Calolbon-Bato Road.....	.....	.....	91.00
(2) Junction Bato-Viga Road (New).....	8.00	56.00	48.00
ANTIQUE—			
(1) Antique-Capiz Interprovincial Road.....	0.00	134.20	134.20
(2) Antique-Iloilo Interprovincial Road.....	0.00	24.50	24.50
(3) San Jose Airport and Cadre Roads.....	2.81	3.42	0.61
(4) San Jose Port Road.....	0.00	1.00	1.00

	From Km.	To Km.	Length Km.
BATAAN—			
(1) Bataan-Pampanga Interprovincial Road	102.07	129.27	27.20
(2) Bataan-Zambales Interprovincial Road....	105.40	125.15	19.75
(3) Balanga-Mariveles Road	129.27	177.00	47.73
(4) Bataan Cadre Road.....	.....	.....	1.88
BATANES—			
(1) Basco-Mahatao-Ivana-Uyugan Road.....	0.00	19.00	19.00
(2) Basco Airport Road.....	0.00	3.00	3.00
BATANGAS—			
(1) Manila-South Road	63.50	76.74	13.24
(2) Batangas-Lemery-Tagaytay Road.....	114.70	164.60	49.90
(3) Batangas-Tayabas Interprovincial Road	{ 96.40	{ 103.60	28.00
	{ 96.40	{ 117.20	
(4) Manila-Batangas Road	68.10	117.20	49.10
(5) Cavite-Tuy-Nasugbu Port Road.....	88.40	121.08	32.68
(6) Batangas-Airport Road	114.20	115.00	0.80
(7) Nasugbu-Calatagan Road	115.83	142.33	26.50
(8) Santo Tomas-Tagaytay Interprovincial Road	67.10	96.70	29.60
(9) Banaybanay-Mojon Junction Road.....	93.90	111.50	17.60
(10) Batangas Cadre Road.....	.....	.....	0.50
(11) Lipa Cadre Road.....	.....	.....	0.48
(12) Paliko Cadre Road.....	.....	.....	0.75
BENGUET—			
(1) Kennon Road	223.80	248.60	24.80
(2) Baguio-Bauang Road	265.00	285.30	13.80
(3) Baguio-Bontoc Road	260.70	347.80	87.10
(4) Junction Mancayan-Cervantes Road (New)	348.00	373.05	25.05
BOHOL—			
(1) Tagbilaran-Loay-Talibon Road	0.00	109.20	109.20
(2) Tagbilaran-Airport Road	2.20	2.50	0.30
(3) Tagbilaran-North Road	0.00	112.50	112.50
(4) Tagbilaran Cadre Road.....	.....	.....	0.45
(5) Calape Cadre Road.....	.....	.....	0.49
(6) Ubay Cadre Road.....	.....	.....	0.74
(7) Tubigon Cadre Road.....	.....	.....	0.41
(8) Mobilization Center Road (Carmen).....	.....	.....	.....
BUKIDNON—			
(1) Bukidnon-Misamis Oriental Interprovin- cial Road	27.90	106.80	78.40
(2) Bukidnon-Cotabato Road (Extension).....	106.30	212.30	106.00
(3) Del Monte Airport Road.....	33.80	36.20	2.40
(4) Malaybalay Airport Road.....	107.50	108.02	0.52

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	From Km.	To Km.	Length Km.
BUKIDNON—Continued.			
(5) Capitol Road	106.30	107.60	1.30
(6) M a r a m a g-C a b a r i t a n-M a- lundo Road (New)	158.00	198.00	40.00
(7) Malaybalay Cadre Road.....			0.10
BULACAN—			
(1) Manila-North Road	10.40	51.48	41.08
(2) Cagayan Valley Road.....	36.20	85.90	49.70
(3) Quingua Airport Road.....	53.00	56.00	3.00
(4) Pulilan-Calumpit Road	42.60	54.49	11.89
(5) San Miguel-Sibul Springs-Biacnabato Road (Extension)	78.80	97.96	19.16
(6) Quingua-Norzagaray-Bicti Road	41.90	82.79	40.89
(7) Sibul (San Miguel) Cadre Road.....			0.60
CAGAYAN—			
(1) Cagayan Valley Road.....	474.95	599.42	124.47
(2) Cagayan-Ilocos Norte Interprovincial Road	609.43	718.28	108.85
(3) Cagayan-Bontoc Interprovincial Road.....	502.87	522.60	19.73
(4) Cagayan-Apayao Interprovincial Road.....	495.57	565.10	69.53
(5) Tuguegarao Airport Road.....	491.83	493.57	3.74
(6) Aparri Airport Road.....	597.62	598.32	0.70
(7) Cadcadir-Kabugao Road (New).....	621.00	625.00	4.00
(8) Aparri Cadre Road.....			0.50
(9) Tuguegarao Cadre Road.....			0.30
CAMARINES NORTE—			
(1) Manila-South Road	270.10	392.50	122.40
(2) Talubatif-Mambulao Port Road.....	340.10	360.60	20.50
(3) Daet Airport Road (Bagasbas).....	359.00	362.50	3.50
(4) Daet Cadre Road.....			0.46
CAMARINES SUR—			
(1) Manila-South Road via Barceloneta-Ca- busao	392.50	518.00	125.50
(2) Pili-Tigaon-Albay Boundary Road.....	477.23	534.36	57.13
(3) Sagnay-Nato Port Road.....	509.85	512.05	2.20
(4) Naga Airport Road (Km. 11 from Naga)	475.50	476.50	1.00
(5) Pili Cadre Road.....			0.94
CAPIZ—			
(1) Capiz-Iloilo Interprovincial Road.....	0.00	65.50	65.50
(2) Capiz-East Road	7.40	54.60	47.20
(3) Capiz-Antique Interprovincial Road	15.60	133.20	117.60
(4) Capiz-Kolasi Port Road.....	0.00	7.80	7.80
(5) Kalibo-New Washington Road.....	84.30	93.94	9.64
(6) Capiz-Airport Road	8.00	8.00	0.00
(7) Panitan-Cadre Road			0.50
(8) Banga Cadre Road.....			0.04

	From Km.	To Km.	Length Km.
CAVITE—			
(1) Manila-Cavite Road	14.93	35.50	20.57
(2) Cavite-Batangas Interprovincial Road.....	20.29	77.38	57.09
(3) Noveleta-Naic-Tagaytay Road.....	26.12	78.25	52.13
(4) Tagaytay-Santo Tomas Road.....	67.40	69.40	2.00
(5) Dasmariñas-Carmena-Binan Road (New)	39.78	55.67	15.89
(6) Tres Cruces (Tanza) Cadre Road.....			0.50
CEBU, PROVINCE OF—			
(1) Cebu-North-Hagnaya Wharf Road.....	3.49	110.60	107.11
(2) Cebu-South-San Sebastian Wharf Road..	7.23	140.80	133.57
(3) Cebu-Toledo Wharf Road.....	8.80	49.80	41.00
(4) Bogo-Polambato Wharf Road.....	102.98	105.28	2.30
(5) Dalaguete-Badian Road	83.80	118.00	34.70
(6) Opon-Mactan Road (Magellan Monu- ment)		7.50	7.50
(7) Argao Cadre Road			0.50
(8) Pinamungajan Cadre Road.....			0.30
(9) Cebu Cadre Roads.....			0.10
(10) Medellin Cadre Road.....			0.05
CEBU, CITY OF—			
(1) Cebu-North Road	0.00	3.49	3.49
(2) Cebu-South Road (via Juan Luna).....	0.00	7.28	7.23
(3) Cebu-Guadalupe Road	1.20	6.00	4.80
(4) Juan Luna-Fuente Osmefia-Guadalupe Road	0.00	3.90	3.90
(5) Mango Avenue	1.70	4.00	2.30
(6) Cebu Airport Road (Banilad Heights)....			2.15
(7) Calles Colon-Padilla			2.93
(8) Calle Sanciango			0.64
(9) Calle Borromeo			0.64
(10) Calle Carlock and Extension to Guada- lupe Road			0.77
(11) Calles Morga and Comercio.....			0.91
(12) Calle Calderon (To wharf)			0.33
(13) Calle Norte America (D. Jakosalem) and Extension to Airport			4.09
(14) Gorordo Avenue (To Airport).....			4.15
(15) New Avenue Connecting Mango Avenue- Luna and Guadalupe			2.43
(16) Calle Martires	0.11	0.28	0.17
(17) Calle Gonzales (Wharf-Comercio).....			0.03
(18) Calle Burgos (Wharf-Magallanes).....			0.20
(19) Calle Lapulapu (Wharf-Morga).....			0.09
(20) Capitol-Junior College.....			1.20
(21) Civic Center (Capitol Roads).....			0.26

	From Km.	To Km.	Length Km.
CEBU, CITY OF—Continued.			
(22) Calle Legaspi Extension (To Pier 1).....	.....	.....	0.36
(23) Parian Estero Road .....	.....	.....	0.44
(24) Calles Mabini and Lopez Jaena (Colon- Martires) .....	.....	.....	0.45
(25) Wharf Roads—			
(a) Marginal Wharf .....	.....	.....	1.70
(b) Driveway Pilot House.....	.....	.....	0.75
(c) Mandawe Boulevard .....	.....	.....	0.60
(d) Manalili Extension .....	.....	.....	0.40
(e) Pier 2-Martires .....	.....	.....	0.45
(f) Pier 3-Martires .....	.....	.....	0.52
(g) Near Madrigal Mills .....	.....	.....	0.10
COTABATO—			
(1) Cotabato-Davao Interprovincial Road.....	12.40	151.47	139.07
(2) Cotabato-Lanao Interprovincial Road.....	0.00	55.72	55.72
(3) Makar-Malalag Road	200.00	235.00	35.00
(4) Midsayap-Reina Regente-Makar Road.....	46.20	200.00	153.80
(5) Cotabato Airport Road.....	0.00	4.00	4.00
(6) Cotabato-Bukidnon Road (New).....	87.70	139.20	51.50
(7) Cotabato Cadre Road.....	.....	.....	1.03
DAVAO, PROVINCE OF—			
(1) Davao-Agusan Interprovincial Road (La- sang River-Agusan Boundary).....	27.66	144.00	116.34
(2) Davao-Cotabato Interprovincial Road (Sibulan River-Cotabato Boundary).....	26.26	87.51	61.25
(3) Road to Penal Colony.....	88.78	49.80	11.02
(4) Digos-Malalag-Makar Interprovincial Road	58.80	113.80	55.00
(5) Davao Cadre Road.....	.....	.....	1.00
DAVAO, CITY OF—			
(1) Davao Port Road (Jones Monument to Key Monument)	1.20	2.80	1.60
(2) Davao-Agusan Interprovincial Road (Davao-Lasang River)	0.00	27.66	27.66
(3) Davao-Cotabato Interprovincial Road (Davao Sirawan River)	0.00	26.26	26.26
(4) Davao-Bukidnon Interprovincial Road.....	7.70	17.54	9.84
(5) Pier to River Front (Along Waterfront Road) .....	.....	.....	4.40
(6) Claveria Street (Between San Pedro Street and Riverfront).....	.....	.....	0.40
(7) San Pedro Street Extension to River- front .....	.....	.....	0.20
(8) Hospital Junction-Pier (Fifth Avenue)..	.....	.....	1.45
(9) Civic Center Streets.....	.....	.....	3.90

	From Km.	To Km.	Length Km.
DAVAO, CITY OF—Continued.			
(10) Cadre Road (Magallanes Street to Cemetery)			2.10
(11) Proposed Avenue Back of Capitol (From San Pedro to Hospital Junction)			1.30
ILOCOS NORTE—			
(1) Manila-North Road	462.70	598.10	135.40
(2) Ilocos Norte-Apayao Interprovincial Road	501.90	569.70	67.80
(3) Ilocos Norte-Abra Interprovincial Road	521.90	551.70	29.80
(4) Laoag Airport Road (Barrio Gabu)	503.60	509.60	6.00
(5) Currimao Port Road	476.28	476.65	0.37
(6) Laoag Cadre Road			1.15
ILOCOS SUR—			
(1) Manila-North Road	330.00	462.60	132.60
(2) Tagudin-Bontoc Interprovincial Road	337.70	405.60	67.90
(3) Ilocos Sur-Abra Interprovincial Road	395.80	404.40	8.60
(4) Vigan Airport Road	425.00	429.30	4.30
(5) San Ildefonso Port Road	429.00	433.50	4.50
(6) Cervantes-Mancayan Road (New)	399.00	408.40	9.40
(7) Vigan Cadre Road			0.40
ILOILO, PROVINCE OF—			
(1) Iloilo-Capiz Interprovincial Road	1.75	71.70	69.95
(2) Iloilo-Antique Interprovincial Road	8.40	72.30	63.90
(3) Jaro-Balasan-Capiz Boundary Road	3.34	135.57	132.23
(4) Jaro-Mandurriao Road (New)	3.10	8.80	0.70
(5) Oton-Paquiad-Mandurriao (New)	8.60	12.20	3.60
(6) La Paz-Jaro Road	2.28	8.45	1.17
(7) Miagao Cadre Road			1.10
(8) Dingle Cadre Road			1.00
(9) Iloilo Cadre Road			0.10
ILOILO, CITY OF—			
(1) City Streets—			
(a) Calle Iznart-Ledesma-Molo Antique	8.780		8.73
(b) Calle J. M. Basa-Fort San Pedro	2.250		2.25
(c) Muelle Loney-Marginal Wharf	2.936		2.936
(d) Calle Blumentritt .....			.329
(e) Calle I. de la Rama .....			.860
(f) Calle P. Arroyo .....			.183
(2) Molo-Emergency Hospital Road	3.80	4.00	0.20
(3) Iloilo-North Road (Iloilo-Jaro)	0.00	1.75	1.75
(4) Molo-Mandurriao-Jaro Road	3.00	7.20	4.20
(5) Mandurriao-San Miguel Road	5.50	8.96	3.46
(6) Iloilo-South Road	0.00	8.40	8.40
(7) Iloilo-La Paz-Granja Road	0.70	2.00	1.30

	From Km.	To Km.	Length Km.
ILOILO, CITY OF—Continued.			
(8) La Paz-Jaro (via Calle Burgos) Road.....	1.22	2.28	1.06
(9) Iloilo-Airport (Direct Road).....	.....	.....	2.20
(10) North Marginal Wharf Road (Proposed).....	.....	.....	2.20
(11) West Avenue at City Hall.....	.....	.....	0.80
(12) La Paz-Lapus (Proposed).....	.....	.....	1.00
(13) Mandurriao-Paquiad Road	5.40	6.80	1.40
(14) Oton-Mandurriao Road (New).....	8.40	8.60	0.20
(15) Calle Duran (Iloilo Cadres).....	.....	.....	0.75
ISABELA—			
(1) Cagayan Valley Road.....	318.24	474.95	156.71
(2) Ilagan Airport Road.....	405.00	405.00	0.00
(3) Gamu Cadre Road.....	.....	.....	0.35
(4) Echague Cadre Road.....	.....	.....	0.26
LAGUNA—			
(1) Manila-South Road	30.80	62.80	54.80
	75.90	98.70	
(2) Calamba-Santa Cruz-Rizal Boundary Road	54.60	136.90	82.30
(3) Pagsanjan-Lucena Interprovincial Road..	103.34	126.52	23.18
(4) Siniloan-Puerto Real Road.....	123.20	139.15	15.95
(5) Mount Makiling Park Road.....	66.42	81.49	15.07
(6) Biñan-Carmona-Dasmariñas Road (New)	36.10	37.74	1.64
(7) Canlubang Cadre Road.....	.....	.....	0.68
(8) Pagsanjan Gorge Road.....	109.60	111.44	1.84
LANAO—			
(1) Lanao-Cotabato Interprovincial Road.....	0.00	102.70	102.70
(2) Lanao-Zamboanga Interprovincial Road..	0.00	123.00	123.00
(3) Lanao-Misamis Oriental Interprovincial Road	31.00	49.70	18.70
(4) Lanao Cadre Road.....	.....	.....	.....
(5) Dansalan-Tamparan-Ganassi Road	0.00	56.00	56.00
(6) Camp Keithley Airport Road.....	0.30	1.30	1.00
(7) Malabang Airport Road	68.50	68.50	0.00
(8) Malabang-Masilag-Maitumaig Road (New)	68.00	120.00	52.00
(9) Malundo-Cabartan-Maramag Road (New)	18.00	56.00	38.00
(10) Ganassi-Tubod Road (New).....	35.00	86.00	51.00
(11) Pantao-Abaga Road (New).....	52.00	63.00	11.00
LA UNION—			
(1) Manila-North Road	225.50	330.00	104.50
(2) La Union-Pangasinan Interprovincial Road	233.20	237.60	4.40
(3) Bauang-Baguio Road	276.00	299.20	23.20
(4) San Fernando-Pero Port Road.....	283.80	286.70	2.90
(5) Naguillian Cadre Road.....	.....	.....	0.62

	From Km.	To Km.	Length Km.
LEYTE—			
(1) Tacloban-Baybay Road	0.00	112.40	112.40
(2) Palo-Carigara-Ormoc Road	11.50	109.80	98.80
(3) Leyte-Samar Interprovincial Road.....	0.00	25.50	25.50
(4) Libungao-Palompon Road	89.80	125.00	35.70
(5) Tacloban Airport Road	5.10	9.80	4.20
(6) Tacloban Cadre Road.....	.....	.....	2.40
(7) Malitbog Cadre Road .....	.....	.....	0.91
(8) Ormoc Cadre Road .....	.....	.....	0.20
(9) Matalom Cadre Road.....	.....	.....	0.80
(10) Carigara Cadre Road .....	.....	.....	.....
MARINDUQUE—			
(1) Boac-Santa Cruz-Buyabud Port Road.....	0.00	35.15	35.15
(2) Magpog-Balanacan Port Road.....	5.83	15.00	9.17
(3) Boac-Buenavista Road	0.00	31.00	31.00
(4) Boac Cadre Road.....	.....	.....	.....
MASBATE—			
(1) Masbate-Milagros-Aroroy Road	0.00	72.60	72.60
(2) Masbate-Dimasalang Road	0.00	47.30	47.30
(3) Masbate-Airport Road	0.30	1.80	1.50
(4) Masbate-Cadre Road .....	.....	.....	0.80
MINDORO—			
(1) Calapan-Pinamalayan-Bongabong-San Jose-Mangarin Road (New)	0.00	183.00	183.00
(2) Calapan-Junction-Puerto Galera-Mambu- rao Road (Extension).....	4.80	109.00	104.20
(3) Calapan Airport Road.....	0.00	2.00	2.00
(4) Jolo-Pola Port Road.....	38.50	70.50	12.00
(5) Calapan Cadre Road .....	.....	.....	.....
MOUNTAIN PROVINCE—			
(1) Bontoc-Baguio Road	348.00	392.40	44.40
(2) Bontoc-Tagudin Interprovincial Road.....	405.50	454.80	49.30
(3) Mountain Province-Cagayan Interprovin- cial Road	454.80	597.80	143.00
(4) Kalinga-Abra Interprovincial Road.....	580.80	598.20	67.60
(5) Mountain Province-Nueva Vizcaya, Inter- provincial Road	293.00	408.70	115.70
(6) Apayao-Cagayan Interprovincial Road....	650.90	600.40	49.50
(7) Apayao-Ilocos Norte Interprovincial Road	569.70	642.70	73.00
(8) Kabugao-Cadcair Road (New).....	628.70	743.70	115.00
(9) Bontoc Cadre Road.....	.....	.....	.....
(10) Trinidad Cadre Road.....	.....	.....	.....
NUEVA ECIJA—			
(1) Cagayan Valley Road.....	85.90	214.90	129.00
(2) Nueva Ecija-Tayabas Interprovincial Road	121.14	177.30	56.16

	From Km.	To Km.	Length Km.
NUEVA ECIJA—Continued.			
(3) Nueva Ecija-Tarlac Interprovincial Road	127.17	155.50	28.33
(4) Nueva Ecija-Pampanga Interprovincial Road	95.50	115.91	20.41
(5) Nueva Ecija-Pangasinan Interprovincial Road	143.30	180.60	37.30
(6) Cabanatuan Airport Road.....	132.00	135.00	3.00
(7) Cabanatuan Cadre Road.....	.....	.....	0.81
NUEVA VIZCAYA—			
(1) Cagayan Valley Road.....	214.90	318.24	103.34
(2) Nueva Vizcaya-Mountain Province Interprovincial Road	289.60	298.44	8.84
(3) Nueva Vizcaya-Pangasinan Interprovincial Road	221.40	240.60	19.20
(4) Bagabag Airport Road.....	295.00	295.00	0.00
(5) Bayombong Cadre Road.....	.....	.....	0.00
OCCIDENTAL MISAMIS—			
(1) Oroquieta-Pagadian Interprovincial Road	0.00	87.80	87.80
(2) Oroquieta-Dipolog Interprovincial Road..	0.00	47.40	47.40
(3) Jimenez Port Road.....	19.00	19.80	0.80
(4) Bagakay (Misamis) Cadre Road.....	.....	.....	1.35
(5) Plaridel Cadre Road.....	.....	.....	0.35
ORIENTAL MISAMIS—			
(1) Oriental Misamis-Agusan Interprovincial Road	0.00	170.60	170.60
(2) Oriental Misamis-Bukidnon Interprovincial Road	14.40	27.90	13.50
(3) Oriental Misamis-Lanao Interprovincial Road	0.00	75.80	75.80
(4) Cagayan Port Road.....	1.60	4.00	2.40
(5) Cagayan Airport Road.....	3.00	3.00	0.00
(6) Cagayan Cadre Road.....	.....	.....	1.00
OCCIDENTAL NEGROS—			
(1) Bacolod-Kabankalan Road	0.00	94.70	94.70
(2) Bacolod-North Road	0.00	162.20	162.20
(3) Bagonawa-La Castellana-Vallehermoso Interprovincial Road	42.00	123.00	81.00
(4) Banga-Pulupandan Road	26.50	31.20	4.70
(5) Bacolod Airport Road	4.20	4.20	0.00
(6) Hinigaran-Isabela-La Castellana Road...	60.40	92.50	32.10
(7) San Carlos-Port Road	146.00	147.00	1.00
(8) Kabankalan-Tolong-Nuevo Road (New)..	94.70	131.70	37.00
(9) Fabrica Cadre Road.....	.....	.....	0.15
(10) Magallon Cadre Road.....	.....	.....	0.10
(11) Mambucal Cadre Road.....	.....	.....	0.10
(12) Binalbagan Cadre Road.....	.....	.....	0.15

	From Km.	To Km.	Length Km.
ORIENTAL NEGROS—			
(1) Dumaguete-North Road	0.00	150.80	150.80
(2) Vallehermoso-La Castellana Interprovin- cial Road	147.60	165.00	17.40
(8) Dumaguete Airport Road.....	2.20	3.20	1.00
(4) Larena-San Juan-Maria Road (Siquijor Island)	0.00	58.90	58.90
(5) Tolong-Nuevo-Kabankalan Road (New)	102.76	140.76	38.00
(6) Guihulngan Cadre Road.....	.....	.....	0.80
(7) Tanjay Cadre Road.....	.....	.....	0.36
(8) Mobilization Center Road (Siquijor, Si- quijor) .....	.....	.....	.....
PALAWAN—			
(1) Puerto Princesa-North Road (Reduced)..	0.00	47.70	47.70
(2) Puerto Princesa-South Road (Reduced)..	0.00	67.70	67.70
(3) Puerto Princesa-Airport Road.....	1.80	2.80	1.00
(4) Coron-Busuanga Road (New)	0.00	60.00	60.00
(5) Puerto-Princesa Cadre Road.....	.....	.....	.....
PAMPANGA—			
(1) Manila-North Road	56.45	102.48	46.03
(2) Pampanga-Nueva Ecija Interprovincial Road	71.15	99.85	28.70
(3) Pampanga-Bataan Interprovincial Road..	71.15	102.09	30.94
(4) San Fernando Cadre Road.....	.....	.....	.....
(5) Camp Dau (Fort Stotsenburg) Cadre Road .....	.....	.....	0.44
PANGASINAN—			
(1) Manila-North Road	175.00	223.30	48.30
(2) Pangasinan-Tarlac Interprovincial Road	173.40	213.50	40.10
(3) Pangasinan-La Union Interprovincial Road	218.50	251.50	28.00
(4) Pangasinan-Nueva Vizcaya Interprovin- cial Road	223.40	311.80	88.40
(5) Pangasinan-Zambales Interprovincial Road	207.20	297.70	90.50
(6) Manaoag Cadre Road .....	.....	.....	0.85
(7) Bayambang Cadre Road.....	.....	.....	0.50
(8) Binmaley Cadre Road.....	.....	.....	1.70
(9) Alaminos Cadre Road.....	.....	.....	.....
(10) Tayug Cadre Road.....	.....	.....	.....
(11) Lingayen Cadre Road.....	.....	.....	.....
RIZAL—			
(1) Manila-South Road	3.07	30.77	27.70
(2) Taft Avenue Extension Road.....	3.89	7.26	3.37
(3) Manila-North Road (Avenida Rizal Ex- tension)	6.54	10.41	3.87

	From Km.	To Km.	Length Km.
RIZAL—Continued.			
(4) Manila Circumferential Road—			
(a) North Bay Boulevard-Sangan- daan-Bonifacio Monument.....	.....	.....	8.00
(b) Bonifacio Monument-San Fran- cisco del Monte-Cubao-San Pedro Makati-Taft Avenue Junction .....	.....	.....	20.78
(5) Camp Murphy Roads.....	.....	.....	2.55
(6) Manila-East Road	4.86	69.67	65.31
(7) Manila-Marikina-Pasig Junction Road...	6.36	21.20	14.74
(8) Pasay-Fort McKinley Road.....	4.59	13.54	8.95
(9) España Extension Road.....	6.03	11.46	5.38
(10) Pasig Boulevard-Welfareville Roads.....	5.90	10.40	4.50
(11) Pasig Boulevard-Psychopathic Hospital Roads	7.14	11.10	3.96
(12) Panaderos Street Extension (Felix Ro- xas-Kalington-Pasig Boulevard-Junc- tion Road) .....	.....	.....	0.65
(13) Manila Boundary-Novaliches Reservoir Road Junction	10.56	20.03	9.47
(14) Fort McKinley Cadre Road.....	.....	.....	0.50
(15) Camp Claudio Cadre Road.....	.....	.....	0.30
(16) San Juan-Santolan Pumping Station Road .....	.....	.....	6.54
ROMBLON—			
(1) Carmen-Odiongan-Looc-Alcantara Road..	7.00	87.00	80.00
(2) Romblon-Sablayan Road	0.00	19.40	19.40
(3) San Fernando-Cajidiocan Road.....	0.00	17.00	17.00
(4) Odiongan Cadre Road.....	.....	.....	0.60
SAMAR—			
(1) Catbalogan-North Road	0.00	151.00	151.00
(2) Catbalogan-Taft-Borongan Road	0.00	146.50	146.50
(3) Samar-Leyte Interprovincial Road.....	29.60	88.00	58.40
(4) Catarman-Maao Road.....	0.00	57.40	57.40
(5) Catbalogan Cadre Road.....	.....	.....	0.20
(6) Catarman Cadre Road.....	.....	.....	0.20
(7) Borongan Cadre Road.....	.....	.....	0.10
(8) Mobilization Center Road (Calbayog)...	.....	.....	.....
SORSOGON—			
(1) Manila-South Road	578.40	688.50	110.10
(2) Gate-Bulan Road	671.10	684.40	13.30
(3) Abuyog-Barcelona-Irosin Road	628.10	677.60	49.50
(4) Sorsogon-Airport Road	621.82	622.17	0.35

	From Km.	To Km.	Length Km.
SORSOGON—Continued.			
(5) Sorsogon Cadre Road.....			0.55
(6) Bulan Cadre Road			0.43
(7) San Roque-Mount Bulusan National Park Road (New)	50.60	58.60	8.00
SULU—			
(1) Jolo-Tandu Batu Road.....	0.00	55.20	55.20
(2) Jolo-Airport Road	0.00	2.50	2.50
(3) Jolo-Parang Road	6.80	22.64	15.84
(4) Batubatu-Tarwakan Road (Tawitawi)....	0.00	9.80	9.80
(5) Jolo Cadre Road.....			0.60
SURIGAO—			
(1) Surigao-Agusan Interprovincial Road....	0.00	49.00	49.00
(2) Badas-Carrascal Road.....	27.00	115.20	88.20
(3) Surigao-Airport Road	26.00	26.00	0.00
(4) Lianga-Azpitia Interprovincial Road.....	0.00	10.00	10.00
(5) Badas Cadre Road			0.25
TARLAC—			
(1) Manila-North Road	102.48	175.00	72.52
(2) Tarlac-Nueva Ecija Interprovincial Road	132.06	152.26	20.20
(3) Tarlac-Pangasinan Interprovincial Road..	130.97	173.42	42.45
(4) Tarlac-Airport Road	131.73	132.73	1.00
(5) Tarlac-Zambales Interprovincial Road.....	112.00	158.41	41.41
(6) San Miguel Cadre Road.....			1.00
(7) Paniqui Cadre Road.....			0.30
(8) Tarlac Cadre Road.....			
TAYABAS—			
(1) Manila-South Road	98.78	270.10	171.37
(2) Tayabas-Nueva Ecija Interprovincial Road	177.20	234.50	57.30
(3) Puerto Real-Siniloan Road.....	139.15	176.15	37.00
(4) Lucena-Pagsanjan Interprovincial Road..	138.70	168.90	30.20
(5) Tayabas-Batangas Interprovincial Road..	102.60	114.10	11.50
(6) Hondagua Port Road.....	226.00	228.50	2.50
(7) Gumaca-Pitogo-Mulanay-San Narciso (Extension)	202.21	317.10	114.89
(8) Tayabas Cadre Road.....			
ZAMBALES—			
(1) Zambales-Pangasinan Interprovincial Road	218.20	281.90	63.70
(2) Zambales-Bataan Interprovincial Road....	125.10	211.80	86.70
(3) Zambales-Tarlac Interprovincial Road.....	210.60	251.60	41.00
(4) Iba (Zambales) Cadre Road.....			0.83

	From Km.	To Km.	Length Km.
ZAMBOANGA, PROVINCE OF—			
(1) Dipolog-Oroquieta Interprovincial Road..	0.00	45.16	45.16
(2) Pagadian-Oroquieta Interprovincial Road	0.00	70.00	70.00
(3) Zamboanga-Naga-Malagas-Pagadian Road (Extension)	95.00	250.00	155.00
(4) Pulauan Port Road.....	9.80	11.30	2.00
ZAMBOANGA, CITY OF—			
(1) Zamboanga-Naga Road	0.00	95.00	95.00
(2) Zamboanga-Military Airport-San Ramon Penal Colony Road.....	0.00	25.00	25.00
(3) Zamboanga-Petit Barracks Road (Carlos Street)	0.02	0.72	0.70
(4) Cadre Road	4.50	7.50	3.00
(5) Maluso-Isabela-Lamitan Port Road (Ex- tension)	0.00	60.00	60.00
(6) Zamboanga-Wharf Road	0.00	0.30	0.30
(7) Tumaga Street			0.48
(8) Marahui Street			0.26
(9) Governor Lim Street			0.23
(10) Zamboanga-Cawacawa Boulevard-Philip- pine Army Reservation Road (New)....	0.20	6.00	5.80
CITY OF BAGUIO—			
(1) Trinidad Road			3.70
(2) Irisan Road			8.00
(3) Kisad Road			1.47
(4) Governor Pack Road			10.43
(5) Session Road			1.70
(6) Military Cut-Off			1.10
(7) Baguio-Airport Road			9.00
(8) Leonard Wood Road			2.93
CITY OF MANILA—			
(1) Rizal Avenue			4.41
(2) P. Burgos Street			1.60
(3) Plaza Lawton			0.67
(4) Taft Avenue			3.68
(5) Dewey Boulevard			2.95
(6) Katigbak Drive			0.22
(7) New Luneta			1.24
(8) South Boulevard			0.22
(9) Cortabitarte Street			0.27
(10) F. B. Harrison			0.10
(11) Vito Cruz Street			0.90
(12) Harrison Boulevard			3.25
(13) Azcarraga Street			3.61
(14) Mendiola Street			2.20
(15) Inverness Street			0.70
(16) Tejeron Street			0.78
(17) Ayala Boulevard			0.82

	From Km.	To Km.	Length Km.
CITY OF MANILA—Continued.			
(18) P. Casal Street			0.52
(19) Tanduay Street			0.18
(20) Legarda Street			1.80
(21) Santa Mesa Street			2.50
(22) Valenzuela Street			0.66
(23) Buenavista Street			0.40
(24) P. Sanchez Street			0.60
(25) Morayta Street			0.32
(26) España Street			1.95
(27) Rosario Street			0.70
(28) Juan Luna Street			2.47
(29) North Bay Boulevard			1.90
(30) Echague Street			1.00
(31) General Solano Street			0.45
(32) C. Aviles Street			1.32
(33) Forbes Street			2.30
(34) Dimasalang Street			1.30
(35) Tayuman Street			1.64
(36) Bustillos Street			0.14
(37) Earnshaw Street			0.70
(38) Muelle del Banco Nacional Street			0.46
(39) Muelle de la Industria Street.....			1.20
(40) Magallanes Drive			1.20
(41) Aduana Street			0.82
(42) A. Bonifacio Street			1.45
(43) 25th Street			0.44
(44) Muelle San Francisco Street.....			0.96
(45) 13th Street			0.65
(46) Muelle Tacoma Street and Extension to Pasig River			0.65
(47) Muelle del Codo Street			0.44
(48) Muelle del Rio Street.....			0.60
(49) Isaac Peral Street			1.03
(50) Canonigo Street			0.80
(51) Otis Street			0.90
(52) General Luna Street			1.70
(53) Herran Street			1.67
(54) Tejeron Junction—Panaderos—Felix Roxas Street			2.00
(55) San Luis Street (Taft Avenue to Dewey Boulevard)			0.85
(56) San Fernando Street			0.45
(57) Madrid Street (Junction San Fernando Street to Junction Muelle de la In- dustria)			0.10
(58) Arlegui Street			1.20

CITY OF MANILA—Continued.	From Km.	To Km.	Length Km.
(59) A. Regidor Street (Junction Arlegui to Junction Norzagaray)	0.90
(60) Norzagaray Street (Junction Regidor Street to Junction Echague Street)	0.40
(61) Blumentritt Street	0.75
(62) Yeyeng Street	0.10
(63) Vidal Street	0.10
(64) Colgante Street (New)	0.45
Total

GENERAL PROVISIONS

(a) The construction, maintenance, and improvement of National Roads shall be accomplished by district and city engineers under the supervision of the Director of Public Works, and shall be financed from such appropriations as may be authorized by the Commonwealth Government in annual or special appropriation acts. The Secretary of Public Works and Communications shall also allot all funds collected under the provisions of section one thousand four hundred and ninety-five of the Revised Administrative Code and Act Numbered Three thousand nine hundred and ninety-two, as amended, with the exception of the twenty per centum of said funds that accrue to the road and bridge funds of provinces and chartered cities, for the maintenance and improvement of National Roads and whenever practicable or funds are not needed for maintenance purposes, for their construction.

(b) The construction, maintenance, and improvement of provincial roads shall be accomplished by district engineers under the supervision of the Director of Public Works subject to existing laws, and shall be financed with provincial funds and such aid as may be authorized by the Commonwealth Government in annual appropriation acts.

(c) The construction, maintenance, and improvement of municipal roads shall be accomplished by the municipal governments concerned subject to existing laws, and shall be financed with municipal funds: *Provided, however,* That any municipal roads of great importance to the province may,

on request of the provincial board and upon favorable recommendation of the Director of Public Works, be classified as a provincial road by the Secretary of Public Works and Communications.

(d) The Secretary of Public Works and Communications shall cause the Director of Public Works to prepare from time to time a map showing the proposed system of National and provincial roads, which, upon approval by the President, shall constitute the Official Road Map of the Philippines.

(e) Executive Order Numbered One, series of nineteen hundred and ten, Executive Order Numbered One hundred eighty-four, series of nineteen hundred and twenty-nine, Executive Order Numbered Six hundred twenty-five, series of nineteen hundred and thirty-five, and Executive Order Numbered Seventy-one, dated December third, nineteen hundred and thirty-six, are hereby revoked.

This Order shall become effective on January first, nineteen hundred and thirty-eight.

Done at the City of Manila, this thirty-first day of December, in the year of Our Lord, nineteen hundred and thirty-seven, and of the Commonwealth of the Philippines, the third.

MANUEL L. QUEZON

President of the Philippines

By the President:

ELPIDIO QUIRINO

Secretary of the Interior

○

MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 194

REVISING EXECUTIVE ORDER NO. 135, DATED DECEMBER 31, 1937,
ESTABLISHING A CLASSIFICATION OF ROADS

For the purpose of classifying and establishing the limits of public roads and fixing the responsibility for the proper maintenance of the roads built or to be built, and upon the recommendation of the National Transportation Board created by Executive Order Numbered Forty-five, I, Manuel L. Quezon, President of the Philippines, do hereby establish the following classification of roads:

I. NATIONAL ROADS:

All roads now classified as Insular roads; main traffic routes connecting provincial capitals with important commercial centers, national airports, national seaports, and national parks and roads of military importance, which may be so designated by the President upon favorable recommendation of the Secretary of Public Works and Communications. National roads shall have a right-of-way of not less than twenty meters; *Provided*, That a right-of-way of at least sixty meters shall be acquired for roads constructed through unpatented public land.

II. PROVINCIAL ROADS:

All roads connecting one municipality with another municipality, the termini to be the public plazas; all roads extending from a municipality, or from a provincial or National road to a public wharf or railway station; and any other road which may be so designated by

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the Secretary of Public Works and Communications upon request of the provincial board concerned and upon favorable recommendation of the Director of Public Works. Provincial roads shall have a right-of-way of not less than fifteen meters: *Provided*, That a right-of-way of at least sixty meters shall be acquired for roads constructed through unpatented public land.

III. MUNICIPAL ROADS:

All highways not included in the above classifications. Municipal roads shall have a right-of-way of not less than ten meters: *Provided*, That the principal streets of townsites located on public land shall have a width of sixty meters and all other streets a width of not less than fifteen meters.

Pursuant to the above classification the following roads and streets are hereby designated as:

National roads		From Km.	To Km.	Length Km.
ABRA—				
(1) Abra-Ilocos Sur Road		404.40	426.40	22.00
(2) Abra-Kalinga Road		426.40	506.10	79.70
(3) Abra-Ilocos Norte Road		426.40	468.40	42.00
(4) Bangued Cadre Road		428.80	428.90	0.60
AGUSAN—				
(1) Agusan-Misamis Oriental Road		0.00	41.30	41.30
(2) Agusan-Surigao Road		0.00	73.70	73.70
(3) Agusan-Davao Road		6.85	180.00	173.15
(4) Azpitia-Lianga-Hinatuan Road		92.00	107.00	15.00
(5) Butuan Cadre Road		6.52	6.98	0.46
ALBAY—				
(1) Manila-South Road		512.51	573.21	60.70
(2) Daraga-Legaspi-Tiwi-Camarines Sur Boundary Road		558.01	620.11	62.10
(3) Legaspi-Airport Road		563.31	565.91	2.60
(4) Ligao-Tabaco Road		543.01	570.31	27.30
(5) Mount Mayon Park Road		557.31	594.31	37.00
(6) Ligao-Panganiran Road		541.66	581.90	40.24
(7) Daraga Cadre Road		558.01	558.88	0.87
(8) Regan Barracks Mobilization Center Road				2.89
(9) Legaspi Port Road		563.31	564.21	0.90
CATANDUANES—				
(1) Viga-Calolbon-Bato Road				91.00
(2) Junction Bato-Viga Road		8.00	56.00	48.00

National roads		From Km.	To Km.	Length Km.
ANTIQUE—				
(1) Antique-Capiz Road	0.00	134.10	134.10	
(2) Antique-Iloilo Road	0.00	24.50	24.50	
(3) San Jose Airport Road	2.81	3.42	0.61	
(4) San Jose Port Road	0.00	1.00	1.00	
(5) San Jose Cadre Road	4.20	4.30	0.10	
BATAAN—				
(1) Bataan-Pampanga Road	102.09	129.27	27.18	
(2) Bataan-Zambales Road	105.40	125.15	19.75	
(3) Balanga-Mariveles Road	129.27	179.00	49.73	
(4) Balanga-Cadre Road			0.61	
(5) Dinalupihan Junction-Porac-A ngeles Road	118.93	125.93	6.79	
BATANES—				
(1) Basco-Mahatao-Ivanag-Uyugan Road	0.00	19.00	19.00	
(2) Basco Airport Contracosta Road	0.00	3.30	3.30	
BATANGAS—				
(1) Manila-South Road	63.50	76.74	13.24	
(2) Batangas-Lemery-Tagaytay Road	114.70	164.50	49.80	
(3) Batangas-Tayabas Road	{ 96.40 103.60 } { 96.40 117.20 }		28.00	
(4) Manila-Batangas Road via Tanauan Di- version	67.90	115.50	47.60	
(5) Cavite-Tuy-Nasugbu Port Road	77.10	110.10	33.00	
(6) Batangas-Airport Road	114.20	115.00	0.80	
(7) Nasugbu-Calatagan Road	115.83	142.33	26.50	
(8) Santo Tomas-Tagaytay Road	60.90	88.80	27.90	
(9) Banaybanay-Mojon Junction Road	93.90	111.50	17.60	
(10) Batangas Cadre Road	114.20	115.10	0.90	
(11) Lipa Cadre Road	85.40	85.90	0.50	
(12) Paliko Cadre Road	177.30	178.10	0.80	
(13) Lake Taal Tagaytay Road	68.00	69.00	1.00	
BENGUET—				
(1) Kennon Road	223.30	248.00	24.70	
(2) Paguio-Bauang Road	265.10	282.80	17.70	
(3) Baguio-Bontoc Road	260.00	344.40	84.40	
(4) Junction Mancayan-Cervantes Road	344.40	370.60	26.20	
(5) Kennon-Damortis Road	224.10	225.00	0.90	
(6) La Trinidad Cadre Roads—				
(a) Benguet Provincial Inspector's Office Road	264.86	265.10	0.24	
(b) Benguet Cadre Road	265.92	266.26	0.34	
(7) Baguio-Bua-Itogon Road	261.30	275.70	14.40	
BOHOL—				
(1) Tagbilaran-Loay-Talibon Road	0.00	109.20	109.20	
(2) Tagbilaran-Airport Road	2.20	2.50	0.30	

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National roads		From Km.	To Km.	Length Km.
BOHOL—Continued.				
(3)	Tagbilaran-North Road	0.00	112.50	112.50
(4)	Tagbilaran Cadre Road	2.09	2.72	0.63
(5)	Calape Cadre Road	42.43	48.54	1.11
(6)	Ubay Cadre Road	123.08	124.11	1.03
(7)	Tubigon Cadre Road	57.25	58.03	0.78
(8)	Carmen Mobilization Center Road			
BUKIDNON—				
(1)	Bukidnon-Misamis Oriental Road	0.00	78.30	78.30
(2)	Bukidnon-Cotabato Road	0.00	106.00	106.00
(3)	Del Monte Airport Road	72.30	74.50	2.20
(4)	Malaybalay Airport Road	1.40	2.00	0.60
(5)	Capitol Road	0.00	1.30	1.30
(6)	Maramag-Cabaritan-Malundo Road	51.40	92.40	40.00
(7)	Malaybalay Cadre Road	107.00	107.86	0.86
BULACAN—				
(1)	Manila-North Road	10.40	51.50	41.10
(2)	Cagayan Valley Road	86.20	85.90	49.70
(3)	Plaridel Airport Road	41.90	44.00	2.10
(4)	Pulilan-Calumpit Road	42.60	54.60	12.00
(5)	San Miguel-Sibul Springs-Biacnabato Road	78.80	97.96	19.16
(6)	Plaridel-Norzagaray-Dicti Road	41.90	82.79	40.89
(7)	San Miguel Cadre Road			1.50
CAGAYAN—				
(1)	Cagayan Valley Road	474.95	593.15	118.20
(2)	Cagayan-Ilocos Norte Road	590.19	699.04	108.85
(3)	Cagayan-Kalinga Road	493.07	513.58	20.51
(4)	Cagayan-Apayao Road	487.72	558.82	71.10
(5)	Tuguegarao Airport Road	489.82	493.06	3.24
(6)	Aparri Airport Road	591.35	592.05	0.70
(7)	Cadaadir-Kahugao Road	621.00	625.00	4.00
(8)	Aparri Road	592.05	592.55	0.50
(9)	Tuguegarao Cadre Road	492.68	492.98	0.30
CAMARINES NORTE—				
(1)	Manila-South Road	270.10	392.50	122.40
(2)	Talubatin-Mambulao Port Road	340.10	360.50	20.40
(3)	Daet (Bagasbas) Airport Road	359.00	362.90	3.90
(4)	Daet Cadre Road	376.46	377.21	0.75
CAMARINES SUR—				
(1)	Manila-South Road via Barceloneta-Ca- busao	392.50	512.51	120.01
(2)	Pili-Tigaon-Albay Boundary Road	477.23	538.53	56.30
(3)	Sagnay-Nato Port Road	509.85	512.05	2.20
(4)	Naga (Pili) Airport Road	475.50	476.14	0.64
(5)	Pili Cadre Road	475.66	476.44	0.78

CAPIZ—	National roads	From Km.	To Km.	Length Km.
(1)	Capiz-Iloilo Road	0.00	65.50	65.50
(2)	Capiz-East Road	7.40	54.60	47.20
(3)	Capiz-Antique Road	15.60	133.20	117.60
(4)	Capiz-Kolasi Port Road	0.00	7.70	7.70
(5)	Kalibo-New Washington Wharf Road.....	84.30	93.94	9.64
(6)	Capiz-Airport Road	8.00	8.00	0.00
(7)	Panitan-Cadre Road	17.04	17.77	0.73
(8)	Banga Cadre Road	73.90	73.93	0.03
CAVITE—				
(1)	Manila-Cavite Road	14.93	35.95	21.02
(2)	Cavite-Batangas Road	17.49	61.25	43.76
(3)	Noveleta-Naic-Tagaytay Road	26.12	76.13	50.01
(4)	Dasmariñas-Carmona-Biñan Road	37.73	53.59	15.86
(5)	Tres Cruces (Tanza) Cadre Road	33.76	42.34	8.58
TAGAYTAY, CITY OF—				
(1)	Tagaytay-Manila via Silang	0.00	5.37	5.37
(2)	Tagaytay-Batangas via Tuy	0.00	5.64	5.64
(3)	Tagaytay-Cavite via Mendez	2.46	4.58	2.12
(4)	Tagaytay-Batangas via Santo Tomas	3.88	15.39	12.01
(5)	Tagaytay-Lake Taal Road	61.00	68.00	7.00
CEBU, PROVINCE OF—				
(1)	Cebu-North-Hagnaya Wharf Road	3.49	110.90	107.41
(2)	Cebu-South-San Sebastian Wharf Road ..	7.23	140.80	133.57
(3)	Cebu-Toledo Wharf Road	8.80	49.80	41.00
(4)	Bogo-Polambato Wharf Road	102.93	105.37	2.39
(5)	Dalaguete-Badian Road	83.30	118.00	34.70
(6)	Opon-Mactan (Magellan Monument) Road	0.00	7.50	7.50
(7)	Argao Cadre Road .....	.....	.....	0.50
(8)	Pinamungajan Cadre Road .....	.....	.....	0.30
(9)	Medellin Cadre Road .....	.....	.....	0.05
(10)	Bogo-Medellin Cadre Road	104.40	121.00	16.60
(11)	Toledo-Pinamungajan Cadre Road	49.80	62.80	13.00
(12)	Carcar-Barili-Mantayupan Waterfalls Road	39.00	64.26	25.26
CEBU, CITY OF—				
(1)	Cebu-North Road	0.00	3.49	3.49
(2)	Cebu-South Road via Magallanes	0.00	7.23	7.23
(3)	Cebu-Guadalupe Road	1.20	6.00	4.80
(4)	Juan Luna-Fuente Osmeña-Guadalupe Road	0.00	3.90	3.90
(5)	Mango Avenue	1.70	4.00	2.30
(6)	Cebu Cadre Road .....	.....	.....	0.10
(7)	Cebu (Banilad Heights) Airport Road....	.....	.....	2.15

National roads		From Km.	To Km.	Length Km.
CEBU, CITY OF—Continued.				
(8)	Calles Colon-Padilla			2.98
(9)	Calle Sanciango			0.64
(10)	Calle Borromeo			0.64
(11)	Calle Carlock and Extension to Guadalupe Road			0.77
(12)	Calles Morga and Comercio			0.91
(13)	Calle Calderon (To wharf)			0.33
(14)	Calle Norte America (D. Jakosalem) and Extension to Airport			4.09
(15)	Gorordo Avenue (To Airport)			4.15
(16)	New Avenue Connecting Mango Avenue- Luna Guadalupe			2.43
(17)	Calle Martires	0.11	.28	0.17
(18)	Calle Gonzales (Wharf-Comercio)			0.08
(19)	Calle Burgos (Wharf-Magallanes)			0.20
(20)	Calle Lapulapu (Wharf-Morga)			0.09
(21)	Capitol-Junior College			1.20
(22)	Civic Center (Capitol Roads)			0.26
(23)	Calle Legaspi Extension to Pier 1 Road			0.36
(24)	Parian Estero Road			0.44
(25)	Calles Mabini and Lopez Jaena (Colon- Martires)			0.45
(26)	Wharf Roads:			
	(a) Marginal Wharf			1.70
	(b) Driveway Pilot House			0.75
	(c) Mandawe Boulevard			0.60
	(d) Manalili Extension			0.40
	(e) Pier 2-Martires			0.45
	(f) Pier 3-Martires			0.52
	(g) Near Madrigal Mills			0.10
(27)	Cebu Hospital Road			0.09
COTABATO—				
(1)	Cotabato-Davao Road	12.44	147.16	134.72
(2)	Cotabato-Lanao Road	0.00	55.72	55.72
(3)	Makar-Malalag Road	202.68	259.81	57.13
(4)	Midsayap-Dulawan-Makar Road	46.20	203.06	156.86
(5)	Cotabato Airport Road	0.00	4.02	4.02
(6)	Cotabato-Bukidnon Road	88.32	139.69	51.37
(7)	Cotabato Cadre Road	2.80	4.02	1.22
(8)	Parang-Wharf Road	28.70	29.50	0.80
DAVAO, PROVINCE OF—				
(1)	Davao-Agusan Road (Lasang River-Agu- san Boundary)	27.66	144.00	116.34
(2)	Davao-Cotabato Road (Sibulan River- Cotabato Boundary)	26.26	87.51	61.25
(3)	Penal Colony Road	88.76	49.80	11.04

National roads		From Km.	To Km.	Length Km.
DAVAO, PROVINCE OF—Continued.				
(4)	Digos-Malalag-Makar Road	58.80	174.00	115.20
(5)	Mati Wharf Road	154.56	154.69	0.13
DAVAO, CITY OF—				
(1)	Davao Port Road (Jones Monument to Key Monument)	1.20	2.80	1.60
(2)	Davao-Agusan Road (Davao-Lasang Ri- ver)	0.00	27.66	27.66
(3)	Davao-Cotabato Road (Davao-Inawayan River)	{ 0.00 9.79	8.80	8.80
			26.26	16.47
(4)	Davao-Bukidnon Road	8.10	27.37	19.27
(5)	Pier to River Front (Along Waterfront Road)			4.40
(6)	Claveria Street (Between San Pedro Street and Riverfront)			0.40
(7)	San Pedro Street Extension to Riverfront			0.20
(8)	Hospital Junction-Pier (Fifth Avenue)			1.45
(9)	Civic Center Streets			3.90
(10)	Tomas Claudio Street (Magallanes Street to Jones Monument)			1.48
(11)	Proposed Avenue Back of Capitol (From San Pedro to Hospital Junction)			1.30
(12)	Davao Cadre Road	4.60	5.54	0.94
(13)	Catitipan Airport Road	9.51	11.51	2.00
ILOCOS NORTE—				
(1)	Manila-North Road	453.69	590.19	136.50
(2)	Ilocos Norte-Apayao Road	501.93	569.69	67.71
(3)	Ilocos Norte-Abra Road	521.93	570.94	48.96
(4)	Laoang (Barrio Gabu) Airport Road	503.63	510.30	6.67
(5)	Currimao Port Road	476.23	476.65	0.37
(6)	Laoag Cadre Road	505.64	506.80	1.16
ILOCOS SUR—				
(1)	Manila-North Road	321.09	453.69	132.60
(2)	Tagudin-Bontoc Road	337.70	406.60	67.90
(3)	Ilocos Sur-Abra Road	395.80	404.40	8.60
(4)	Vigan Airport Road	425.00	429.30	4.30
(5)	San Ildefonso Port Road	429.00	433.50	4.50
(6)	Cervantes-Mancayan Road	399.00	408.40	9.40
(7)	Vigan Cadre Road	426.65	427.05	0.40
ILOILO, PROVINCE OF—				
(1)	Iloilo-Capiz Road	1.75	71.70	69.95
(2)	Iloilo-Antique Road	8.40	72.30	63.90
(3)	Jaro-Balasan-Capiz Boundary Road	3.34	135.57	132.23
(4)	Jaro-Mandurriao Road	3.10	3.80	0.70

National roads		From Km.	To Km.	Length Km.
ILOILO, PROVINCE OF—Continued.				
(5)	Oton-Paquiad-Mandurriao Road	8.60	12.20	3.60
(6)	La Paz-Jaro Road	2.28	3.45	1.17
(7)	Miagao Cadre Road			1.10
(8)	Dingle Cadre Road			1.00
ILOILO, CITY OF—				
(1) City Streets—				
	(a) Calle Iznart-Ledesma-Molo-Anti- que			3.73
	(b) Calle J. M. Basa—Fort San Pe- dro			2.25
	(c) Muelle Loney-Marginal Wharf ...			2.91
	(d) Calle Blumentritt			0.33
	(e) Calle I. de la Rama			0.86
	(f) Calle P. Arroyo			0.18
(2)	Molo-Emergency Hospital Road	3.80	4.00	0.20
(3)	Iloilo-North Road (Iloilo-Jaro)	0.00	1.75	1.75
(4)	Molo-Mandurriao-Jaro Road	3.00	7.20	4.20
(5)	Mandurriao-San Miguel Road	5.50	8.96	3.46
(6)	Iloilo-South Road	0.00	8.40	8.40
(7)	Iloilo-La Paz-Granja Road	0.70	2.60	1.30
(8)	La Paz-Jaro Road via Calle Burgos	1.22	2.28	1.06
(9)	Iloilo-Airport (Direct Road)			2.20
(10)	North Marginal Wharf Road			2.20
(11)	West Avenue at City Hall			0.80
(12)	La Paz-Lapus (Proposed)			1.00
(13)	Mandurriao-Paquiad Road	5.40	6.80	1.40
(14)	Oton-Mandurriao Road	8.40	8.60	0.20
(15)	Calle Duran (Iloilo Cadres)			0.75
ISABELA—				
(1)	Cagayan Valley Road	318.24	474.95	156.71
(2)	Ilagan Airport Road	405.00	405.00	0.00
(3)	Gamu Cadre Road			0.35
(4)	Echague Cadre Road			0.26
LAGUNA—				
(1)	Manila-South Road	{ 30.89 75.92 }	{ 62.89 98.73 }	54.81
(2)	Calamba-Santa Cruz-Tayabas Boundary Road via Famy			
	.....	54.56	139.15	84.59
(3)	Pagsanjan-Lucena Road	103.19	126.40	23.21
(4)	Rizal Boundary-Famy Junction	69.60	82.30	12.70
(5)	Mount Makiling Park Road	66.34	82.14	15.80
(6)	Biñan-Carmona-Dasmariñas Road	86.16	37.77	1.64
(7)	Canlubang Cadre Road	52.57	55.63	3.06

LANAO—	National roads	From Km.	To Km.	Length Km.
(1)	Lanao-Cotabato Road	0.00	102.70	102.70
(2)	Lanao-Zamboanga Road	0.00	123.00	123.00
(3)	Lanao-Misamis Oriental Road	31.00	49.70	18.70
(4)	Lanao Cadre Road .....	.....	.....	.....
(5)	Dansalan-Tamparan-Ganassi Road	0.00	56.00	56.00
(6)	Camp Keithley Airport Road	0.30	1.30	1.00
(7)	Malabang Airport Road	68.50	68.50	0.00
(8)	Malabang-Masilang-Maitumaig Road	68.00	120.00	52.00
(9)	Malundo-Cabaritan-Maramag Road	18.00	56.00	38.00
(10)	Ganassi-Tubod Road	35.00	86.00	51.00
(11)	Pantao-Abaga Road	52.00	63.00	11.00
LA UNION—				
(1)	Manila-North Road	218.39	321.09	102.70
(2)	La Union-Pangasinan Road	233.20	237.60	4.40
(3)	Bauang-Baguio Road	273.70	296.30	22.60
(4)	San Fernando-Poro Port Road	281.50	284.60	3.10
(5)	Naguilian Cadre Road	281.39	282.26	0.87
LEYTE—				
(1)	Tacloban-Baybay Road	0.00	112.40	112.40
(2)	Palo-Carigara Ormoc Road	11.50	109.80	98.30
(3)	Leyte-Samar Road	0.00	25.50	25.50
(4)	Libungao-Palompon Road	89.30	125.00	35.70
(5)	Tacloban Airport Road	5.10	9.30	4.20
(6)	Tacloban Cadre Road	0.00	0.32	0.32
(7)	Malitbog Cadre Road	243.98	244.89	0.91
(8)	Ormoc Cadre Road	111.10	111.44	0.34
(9)	Matalom Cadre Road	180.01	181.26	1.25
(10)	Carigara Cadre Road .....	.....	.....	0.10
MARINDUQUE—				
(1)	Boac-Santa Cruz-Buyabud Port Road	0.78	35.15	34.37
(2)	Mogpog-Balanacan Port Road	5.83	14.95	9.12
(3)	Boac-Buenavista Road	0.00	31.00	31.00
(4)	Boac Cadre Road .....	.....	.....	.....
(5)	Capitol Road	1.84	2.14	0.30
MASBATE—				
(1)	Masbate-Junction-Milagros-Arroyo Road	1.53	72.63	71.10
(2)	Masbate-Dimasalang Road	0.00	47.30	47.30
(3)	Masbate Port Road	0.49	1.09	0.60
(4)	Masbate Cadre Road	0.10	0.62	0.52
MINDORO—				
(1)	Calapan-Pinamalayan-Bongabon-San Jose-Mangarin Road	0.00	183.00	183.00
(2)	Calapan-Junction-Puerto Galera-Mamburao Road	4.80	109.00	104.20

National roads		From Km.	To Km.	Length Km.
MINDORO—Continued.				
(3)	Quezon Drive	0.18	2.50	2.32
(4)	Calapan Airport Road	1.80	3.00	1.20
(5)	Jolo-Pola Port Road	58.50	70.50	12.00
(6)	Calapan Cadre Road	2.10	2.40	0.30
MOUNTAIN PROVINCE—				
(1)	Bontoc-Baguio Road	344.50	405.30	60.80
(2)	Bontoc-Tagudin Road	405.50	436.80	31.30
(3)	Mountain Province-Cagayan Road via Ta- buk and Enrile	405.30	547.90	142.60
(4)	Kalinga-Abra Road	481.80	549.30	67.50
(5)	Mountain Province-Nueva Vizcaya Road ..	298.40	401.90	103.50
(6)	Apayao-Cagayan Road	557.80	642.10	84.30
(7)	Apayao-Ilocos Norte Road	642.10	715.10	73.00
(8)	Kabugao-Cadcarir Road	655.60	767.10	101.50
(9)	Bontoc Cadre Road	405.40	406.40	1.00
(10)	Kagawe Cadre Road	329.30	330.30	1.00
NUEVA ECIJA—				
(1)	Cagayan Valley Road	85.90	214.90	129.00
(2)	Nueva Ecija-Tayabas Road	121.14	159.00	37.86
(3)	Quezon Highway (Kalan-an-Tayabas Boundary Section)	159.00	177.19	18.19
(4)	Nueva Ecija-Tarlac Road	127.17	155.20	28.03
(5)	Nueva Ecija-Pampanga Road	95.46	115.95	20.49
(6)	Nueva Ecija-Pangasinan Road	143.30	180.56	37.26
(7)	Bangad Airport Road	126.66	128.91	2.25
(8)	Bangad Cadre Road	128.72	129.49	0.77
NUEVA VIZCAYA—				
(1)	Cagayan Valley Road	214.90	318.24	103.34
(2)	Nueva Vizcaya-Mountain Province Road ..	289.60	298.44	8.84
(3)	Nueva Vizcaya-Pangasinan Road	221.40	240.60	19.20
(4)	Bagabag Airport Road	295.00	295.00	0.00
(5)	Bayombong Cadre Road	273.00	273.00	0.00
OCCIDENTAL MISAMIS—				
(1)	Oroquieta-Pagadian Road	0.00	87.76	87.76
(2)	Oroquieta-Dipolog-Road	0.00	49.88	49.88
(3)	Jimenez Port Road	19.62	20.48	0.86
(4)	Bagakay (Misamis) Cadre Road	46.47	48.14	1.67
(5)	Plaridel Cadre Road	42.40	42.75	0.35
(6)	Oroquieta Cadre Road	14.50	14.96	0.46
ORIENTAL MISAMIS—				
(1)	Oriental Misamis-Agusan Road	0.00	166.06	166.06
(2)	Oriental Misamis-Bukidnon Road	14.40	27.90	13.50
(3)	Oriental Misamis-Lanao Road	0.00	75.80	75.80
(4)	Cagayan Port Road	1.60	4.00	2.40
(5)	Cagayan Airport Road	3.00	3.00	0.00

National roads		From Km.	To Km.	Length Km.
ORIENTAL MISAMIS—Continued.				
(6)	Cagayan Cadre Road	2.50	3.30	0.80
(7)	Streets around Plaza (Cagayan)			0.56
OCCIDENTAL NEGROS—				
(1)	Bacolod-South (Kabankalan) Road	11.22	94.70	83.48
(2)	Bacolod-North Road	4.28	161.20	156.92
(3)	Junction Bagonawa-La Castellana Junction Vallehermoso Road	41.50	90.28	48.78
(4)	Banga-Pulupandan Road	26.40	31.20	4.80
(5)	Bacolod Airport Road	4.20	4.20	0.00
(6)	Hinigaran-Isabela-La Castellana Road	60.40	93.30	32.90
(7)	San Carlos-Port Road	146.00	147.00	1.00
(8)	Kabankalan-Tolong-Nuevo Road	94.00	131.17	57.17
(9)	Fabrica Cadre Road	71.06	71.21	0.15
(10)	Magallon Cadre Road	84.51	84.61	0.10
(11)	Mamoucal Cadre Road	29.50	29.60	0.10
(12)	Binalbagan Cadre Road	70.00	70.15	0.15
BACOLOD, CITY OF—				
(1)	Bacolod-North Road	0.00	4.28	4.28
(2)	Bacolod-South Road (Kabankalan)	0.00	11.22	11.22
(3)	Bacolod Santo Niño Road	0.20	3.00	2.80
(4)	Capitol Road	0.00	2.20	2.20
ORIENTAL NEGROS—				
(1)	Dumaguete-North Road	0.00	150.80	150.80
(2)	Vallehermoso-La Castellana Road	147.60	175.10	27.50
(3)	Dumaguete Airport Road	0.80	3.40	2.60
(4)	Larena-San Juan-Maria-Larena Road (Siquijor Island)	0.00	58.90	58.90
(5)	Tolong-Nuevo-Kabankalan Road	102.01	157.01	55.00
(6)	Guihulungan Cadre Road	118.04	118.14	0.10
(7)	Tanjay Cadre Road	37.81	38.25	0.44
(8)	Mobilization Center Road (Siquijor)			
PALAWAN—				
(1)	Puerto Princesa-North Road	4.54	53.04	53.50
(2)	Tapul-Baheli Road	43.34	47.67	4.33
(3)	Puerto Princesa-South Road	0.00	77.00	77.00
(4)	Puerto Princesa Airport Road	1.84	2.84	1.00
(5)	Coron-Busuanga Road	0.00	60.00	60.00
(6)	Puerto-Princesa Cadre Road	6.38	7.24	0.86
(7)	Puerto Princesa Wharf Road	0.00	0.22	0.22
(8)	Coron Wharf Road	0.00	1.70	1.70
PAMPANGA—				
(1)	Manila-North Road	51.50	97.53	46.03
(2)	Pampanga-Nueva Ecija Road	71.15	99.85	28.70
(3)	Pampanga-Bataan Road	71.15	102.09	30.94

National roads		From Km.	To Km.	Length Km.
PAMPANGA—Continued.				
(4)	San Fernando Cadre Road	69.75	70.14	0.39
(5)	Camp Dau (Fort Stotsenburg) Cadre Road			1.57
(6)	Angeles-Porac-Olongapo Road	87.99	118.93	30.94
PANGASINAN—				
(1)	Manila-North Road	170.05	218.39	48.34
(2)	Pangasinan-Tarlac Road	173.42	213.52	40.10
(3)	Pangasinan-La Union Road	213.50	251.50	38.00
(4)	Pangasinan-Nueva Vizcaya Road	176.80	239.70	62.90
(5)	Urdaneta Junction-Dagupan Junction Road	187.40	216.70	29.30
(6)	Pangasinan-Nueva Ecija Road	180.56	196.46	15.90
(7)	Pangasinan-Zambales Road	207.20	297.70	90.50
(8)	Manaoag Cadre Road	209.80	210.78	0.98
(9)	Bayambang Cadre Road	179.04	180.07	1.03
(10)	Binmaley Cadre Road	216.46	218.32	1.83
(11)	Tayug Cadre Road	204.62	205.08	0.46
(12)	Lingayen Cadre Road	220.80	221.28	0.48
(13)	Alaminos Cadre Road	342.66	343.00	0.34
RIZAL—				
(1)	Manila-South Road	3.10	30.89	27.79
(2)	Taft Avenue Extension Road	3.90	7.80	3.40
(3)	Manila-North Road (Avenida Rizal Ex- tension)	6.54	10.41	3.87
(4)	Manila Circumferential Road—			
	(a) North Bay Boulevard-Sangan- daan-Bonifacio Monument			8.40
	(b) Bonifacio Monument-Diliman- Cubao-San Pedro Makati-Taft Avenue Junction			21.46
(5)	Camp Murphy Roads	11.20	13.80	2.60
(6)	Manila-East Road	4.36	69.67	65.31
(7)	Manila-Marikina-Pasig Junction Road ...	6.86	21.10	14.74
(8)	Fort McKinley-Libertad (Pasay)-Beach Road (Extension)			6.41
(9)	España Extension Road	6.08	11.46	5.38
(10)	Welfareville Roads	6.90	10.40	3.50
(11)	Psychopathic Hospital Roads	7.14	11.10	3.96
(12)	Panaderos Street Extension (Felix Ro- xas-Kalington-Shaw Boulevard-Junc- tion Road)	5.90	6.55	0.65
(13)	Manila Boundary-Novaliches Reservoir Road Junction	5.70	23.20	17.50
(14)	Fort McKinley Cadre Road	13.20	13.70	0.50
(15)	Camp Claudio Cadre Road	8.80	8.60	0.30

National roads		From Km.	To Km.	Length Km.
RIZAL—Continued.				
(16)	San Juan-Santolan Pumping Station Road	7.30	13.60	6.30
(17)	Shaw Boulevard (Sanchez Extension-Junction Manila-East Road)	5.90	13.30	7.40
(18)	Dewey Boulevard (City Limit to Cavite Boundary)	3.46	13.60	10.04
(19)	España-Diliman Road	5.26	12.98	7.72
ROMBLON—				
(1)	Badajoz-Odiongan-Looc-Alcantara Road	7.00	87.00	80.00
(2)	Romblon-Sablayan Road	0.00	20.84	20.84
(3)	San Fernando-Cajidiocan Road	0.00	17.00	17.00
(4)	Odiongan Cadre Road	52.68	53.20	0.60
SAMAR—				
(1)	Catbalogan-North Road	0.00	148.73	148.73
(2)	Catbalogan-Taft-Porongon Road	0.00	145.16	145.16
(3)	Samar-Leyte Road	29.60	87.23	57.63
(4)	Catarman-Maa Road	0.00	57.40	57.40
(5)	Catbalogan Cadre Road	2.80	3.00	0.20
(6)	Catarman Cadre Road	0.20	0.45	0.25
(7)	Borongon Cadre Road	1.00	1.10	0.10
(8)	Calbayog Mobilization Center Road .....	.....	.....	.....
SORSOGON—				
(1)	Manila-South Road	573.21	681.15	107.94
(2)	Gate-Eulan Road	664.18	677.42	13.24
(3)	Abuyog-Barcelona-Irosin Road	623.31	673.45	50.14
(4)	Sorsogon Airport Road .....	.....	.....	0.35
(5)	Sorsogon Cadre Road	616.09	616.60	0.41
(6)	Bulan Cadre Road	673.23	673.51	0.28
(7)	San Roque-Mount Bulusan National Park Road	662.94	670.94	8.00
SULU—				
(1)	Jolo-Tandu Batu Road	0.00	55.20	55.20
(2)	Jolo-Airport Road	0.50	2.50	2.00
(3)	Jolo-Parang Road	6.80	22.64	15.84
(4)	Batubatu-Tarwakan Road (Tawitawi)	0.00	9.80	9.80
(5)	Jolo Cadre Road	0.39	0.52	0.13
(6)	Si-it Lake-Tayungan-Camp Andres Road	86.06	46.45	10.39
(7)	Jolo-Bud Daho-Romandier Road	0.70	18.08	17.38
SURIGAO—				
(1)	Surigao-Agusan Road	0.00	49.11	49.11
(2)	Badas-Carrascal Road	27.00	115.20	88.20
(3)	Surigao-Airport Road	26.00	26.00	0.00
(4)	Hinatuan-Lianga-Azpitia Road	0.00	68.10	68.10
(5)	Badas Cadre Road	26.55	26.93	0.38

National roads		From Km.	To Km.	Length Km.
SURIGAO—Continued.				
(6)	Surigao Wharf Road	0.00	1.70	1.70
(7)	Ka-ayongan-Dahikan Road	101.42	109.60	8.18
TARLAC—				
(1)	Manila-North Road	97.53	170.05	72.52
(2)	Tarlac-Nueva Ecija Road	132.06	162.26	20.20
(3)	Tarlac-Pangasinan Road	130.97	173.42	42.45
(4)	Tarlac-Airport Road	131.73	132.73	1.00
(5)	Tarlac-Zambales Road	112.00	153.41	41.41
(6)	San Miguel Cadre Road .....	.....	.....	1.00
(7)	Panique Cadre Road .....	.....	.....	0.30
(8)	Tarlac Cadre Road .....	.....	.....	.....
(9)	Tarlac Cadre-San Miguel Cadre Road ...	0.00	3.98	3.98
TAYABAS—				
(1)	Manila-South Road	98.73	270.10	171.87
(2)	Quezon Highway (Nueva Ecija Bound- ary Baler-Port Section)	177.19	246.00	68.81
(3)	Puerto Real-Siniloan Road	139.15	174.96	35.81
(4)	Lucena-Pagsanjan Road	138.80	168.90	30.10
(5)	Tayabas-Batangas Road	102.63	114.60	11.97
(6)	Hondagua Port Road	226.45	233.79	7.34
(7)	Gumaca-Pitogo-Mulanay-San Narciso Road	202.21	309.39	107.18
(8)	Tayabas Cadre Road	140.66	141.78	1.12
(9)	Perez Landing Field Road	38.00	42.00	4.00
(10)	Catanauan Landing Field Road	262.26	264.40	2.14
ZAMBALES—				
(1)	Zambales-Pangasinan Road	218.20	281.90	63.70
(2)	Zambales-Bataan Road	125.15	211.80	86.65
(3)	Zambales-Tarlac Road	210.60	251.60	41.00
(4)	Iba Cadre Road .....	.....	.....	0.56
ZAMBOANGA, PROVINCE OF—				
(1)	Dipolog-Oroquieta Road	0.00	44.71	44.71
(2)	Pagadian-Oroquieta Road	0.00	70.00	70.00
(3)	Zamboanga-Naga-Pagadian Road	100.00	300.00	200.00
(4)	Cotas Junction-Malangas-Port Road ...	0.00	25.00	25.00
(5)	Pulauan Port Road	9.80	11.82	2.02
(6)	Junction Dapitan Park Road	11.75	18.25	6.50
ZAMBOANGA, CITY OF—				
(1)	Zamboanga-Naga Road	0.00	100.00	100.00
(2)	Zamboanga-Military Airport-San Ramon Penal Colony Road	0.00	25.00	25.00
(3)	Zamboanga-Petit Barracks Road (Carlos Street)	0.04	0.43	0.39
(4)	Cadre Road	4.20	4.97	0.77

National roads		From Km.	To Km.	Length Km.
ZAMBOANGA, CITY OF—Continued.				
(5)	Maluso-Isabela-Lamitan Port Road	0.00	84.10	84.10
(6)	Zamboanga Wharf Road	0.00	0.30	0.30
(7)	Tumaga Street	0.62	1.05	0.43
(8)	Marahui Street	0.11	0.35	0.24
(9)	Governor Lim Street	0.20	0.44	0.24
(10)	Zamboanga-Cawacau Boulevard-Philip- pine Army Reservation Road	0.20	6.00	5.80
(11)	Madrid Street	0.01	0.25	0.24
CITY OF BAGUIO—				
(1)	Trinidad .....	.....	.....	8.70
(2)	Irisan Road .....	.....	.....	8.00
(3)	Kisad Road .....	.....	.....	1.47
(4)	Governor Pack Road .....	.....	.....	10.43
(5)	Session Road .....	.....	.....	1.70
(6)	Military Cut-Off Road .....	.....	.....	1.10
(7)	Eagulo-Airport Road .....	.....	.....	9.00
(8)	Leonard Wood Road .....	.....	.....	2.98
CITY OF MANILA—				
(1)	Rizal Avenue .....	.....	.....	4.41
(2)	P. Burgos Street .....	.....	.....	1.60
(3)	Plaza Lawton .....	.....	.....	0.67
(4)	Taft Avenue .....	.....	.....	3.68
(5)	Dewey Boulevard .....	.....	.....	3.18
(6)	Katigbak Drive .....	.....	.....	0.22
(7)	New Luneta .....	.....	.....	1.24
(8)	South Boulevard .....	.....	.....	0.22
(9)	Cortabitarte Street .....	.....	.....	0.27
(10)	F. B. Harrison .....	.....	.....	0.10
(11)	Vito Cruz Street .....	.....	.....	0.90
(12)	Harrison Boulevard .....	.....	.....	3.25
(13)	Azcarraga Street .....	.....	.....	3.61
(14)	Mendiola Street .....	.....	.....	2.20
(15)	Inverness Street .....	.....	.....	0.70
(16)	Tejeron Street .....	.....	.....	0.78
(17)	Ayala Boulevard .....	.....	.....	0.82
(18)	P. Casal Street .....	.....	.....	0.52
(19)	Tanduay Street .....	.....	.....	0.13
(20)	Legarda Street .....	.....	.....	1.30
(21)	Santa Mesa Street .....	.....	.....	2.50
(22)	Valenzuela Street .....	.....	.....	0.66
(23)	Buenavista Street .....	.....	.....	0.40
(24)	F. Sanchez Street .....	.....	.....	0.60
(25)	Morayta Street .....	.....	.....	0.32
(26)	España Street .....	.....	.....	1.95

National roads		From Km.	To Km.	Length Km.
CITY OF MANILA—Continued.				
(27)	Rosario Street .....	.....	.....	0.70
(28)	Juan Luna Street .....	.....	.....	2.47
(29)	North Bay Boulevard .....	.....	.....	1.90
(30)	Echague Street .....	.....	.....	1.00
(31)	General Solano Street .....	.....	.....	0.45
(32)	C. Aviles Street .....	.....	.....	1.32
(33)	Forbes Street .....	.....	.....	2.80
(34)	Dimasalang Street .....	.....	.....	0.22
(35)	Tayuman Street .....	.....	.....	1.64
(36)	Bustillos Street .....	.....	.....	0.14
(37)	Earnshaw Street .....	.....	.....	0.70
(38)	Muelle del Banco National Street .....	.....	.....	0.46
(39)	Muelle de la Industria Street .....	.....	.....	1.20
(40)	Magallanes Drive .....	.....	.....	1.20
(41)	Aduana Street .....	.....	.....	0.82
(42)	A. Bonifacio Street .....	.....	.....	1.45
(43)	25th Street .....	.....	.....	0.44
(44)	Muelle San Francisco Street .....	.....	.....	0.96
(45)	13th Street .....	.....	.....	0.65
(46)	Muelle Tacoma Street and Extension to Pasig River .....	.....	.....	0.65
(47)	Muelle del Codo Street .....	.....	.....	0.44
(48)	Muelle del Rio Street .....	.....	.....	0.60
(49)	Isaac Peral Street .....	.....	.....	1.03
(50)	Canonigo Street .....	.....	.....	0.80
(51)	Otis Street .....	.....	.....	0.90
(52)	General Luna Street .....	.....	.....	1.70
(53)	Herran Street .....	.....	.....	1.67
(54)	Tejeron Junction-Panaderos-Felix Roxas Street .....	.....	.....	2.00
(55)	San Luis Street (Taft Avenue to Dewey Boulevard) .....	.....	.....	0.85
(56)	San Fernando Street .....	.....	.....	0.45
(57)	Madrid Street (Junction San Fernando Street to Junction Muelle de la Indus- tria) .....	.....	.....	0.10
(58)	Arlegui Street .....	.....	.....	1.20
(59)	Blumentritt Street .....	.....	.....	0.75
(60)	Yeyeng Street .....	.....	.....	0.10
(61)	Vidal Street .....	.....	.....	0.10
(62)	Colgante Street including Extension to Rizal Avenue via Regidor and El De- rado, Norzagaray, Andalucia, Laong- laan and Dimasalang Streets .....	.....	.....	4.60

National roads		From Km.	To Km.	Length Km.
CITY OF MANILA—Continued.				
(63)	Chicago Street			1.20
(64)	Nagtahan Street including Extension to Plaza Dilao			2.15
Total				<u>12,613.90</u>

GENERAL PROVISIONS

(a) The construction, maintenance, and improvement of National roads shall be accomplished by district and city engineers under the supervision of the Director of Public Works, and shall be financed from such appropriations as may be authorized by the National Government in annual or special appropriation acts. The Secretary of Public Works and Communications shall also allot all funds collected under the provisions of section one thousand four hundred ninety-five of the Revised Administrative Code and Act Numbered Three thousand nine hundred ninety-two, as amended, with the exception of the twenty per centum of said funds that accrue to the road and bridge funds of provinces and chartered cities, for the maintenance and improvement of National roads and, whenever practicable or funds are not needed for maintenance purposes, for their construction.

(b) The construction, maintenance, and improvement of provincial roads shall be accomplished by district engineers under the supervision of the Director of Public Works subject to existing laws, and shall be financed with provincial funds and such aid as may be authorized by the Commonwealth Government in annual appropriation acts.

(c) The construction, maintenance, and improvement of municipal roads shall be accomplished by the municipal governments concerned subject to existing laws, and shall be financed with municipal funds: *Provided, however,* That any municipal roads of great importance to the province may, on request of the provincial board and upon favorable recommendation of the Director of Public Works, be classi-

fied as a provincial road by the Secretary of Public Works and Communications.

(d) The Secretary of Public Works and Communications shall cause the Director of Public Works to prepare from time to time a map showing the proposed system of National and provincial roads, which, upon approval by the President, shall constitute the Official Road Map of the Philippines.

This Order shall become effective as of January first, nineteen hundred and thirty-nine.

Done at the City of Manila, this thirteenth day of March, in the year of Our Lord, nineteen hundred and thirty-nine, and of the Commonwealth of the Philippines, the fourth.

MANUEL L. QUEZON
President of the Philippines

By the President:
JORGE B. VARGAS
Secretary to the President

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 239

AMENDING EXECUTIVE ORDER NO. 135, DATED DECEMBER 31, 1937,
AS AMENDED BY EXECUTIVE ORDER NO. 194, DATED MARCH 13,
1939, ESTABLISHING A CLASSIFICATION OF ROADS.

Upon the recommendation of the National Transportation Board, Executive Order No. 135, dated December 31, 1937, as amended by Executive Order No. 194, dated March 13, 1939, is further amended so as to include the following roads in the classification of National Roads:

National Roads	From Km.	To Km.	Length Km.
<i>Batangas</i> —			
(1) Lemery – Balayan – Palico Road	144.5	176.62	32.12
<i>Leyte</i> —			
(1) Baybay Agricultural School Road	0.0	4.3	4.3
<i>Marinduque</i> —			
(1) Buenavista-Torrijos-Sta. Cruz Road	31.00	86.40	55.40
<i>Tarlac</i> —			
(1) Cadre Road Extension in Camp Ord, San Miguel	125.10	125.30	0.20
(2) Capaz-O'Donnell Road	111.93	130.40	18.47

Done at the City of Manila, this sixteenth day of December, in the year of Our Lord, nineteen hundred and thirty-nine, and of the Commonwealth of the Philippines, the fifth.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 286

REVISING FURTHER EXECUTIVE ORDER NO. 135 DATED DECEMBER 31, 1937, ESTABLISHING A CLASSIFICATION OF ROADS

The following roads are hereby included in the classification of National Roads:

National Roads		From Km.	To Km.	Length Km.
BUKIDNON				
Junction	Aglayan-Managok			
road		242.80	251.70	8.90
CEBU				
2.5 kilometers of road leading to and connecting different buildings within the Army Reservation at the Philippine Army Training Camp, Lahug .....		.....	.....	2.5
LAGUNA				
Calamba-Tagaytay road.....		67.83	80.63	12.80
MANILA				
Malacañan Palace roads.....		.....	.....	1.00
Malacañan Park roads.....		.....	.....	1.67
RIZAL				
Central Leprosarium road.....		8.00	18.00	10.00
45303				

National Roads	From Km.	To Km.	Length Km.
TARLAC			
Cadre road in Camp Ord, San Miguel	125.10	127.90	2.80

SULU

450 meters of road extending from the junction of the Jolo—Taglibi Provincial Road to the cadre barracks and officers' quarters at the Philippine Army Training Camp, Jolo

0.450

Executive Order No. 135, dated December 31, 1937, as amended by Executive Orders Nos. 194 and 239, dated March 13 and December 16, 1939, respectively, is further amended accordingly.

Done at the City of Manila, this eighth day of July, in the year of Our Lord, nineteen hundred and forty, and of the Commonwealth of the Philippines, the fifth.

MANUEL L. QUEZON

President of the Philippines

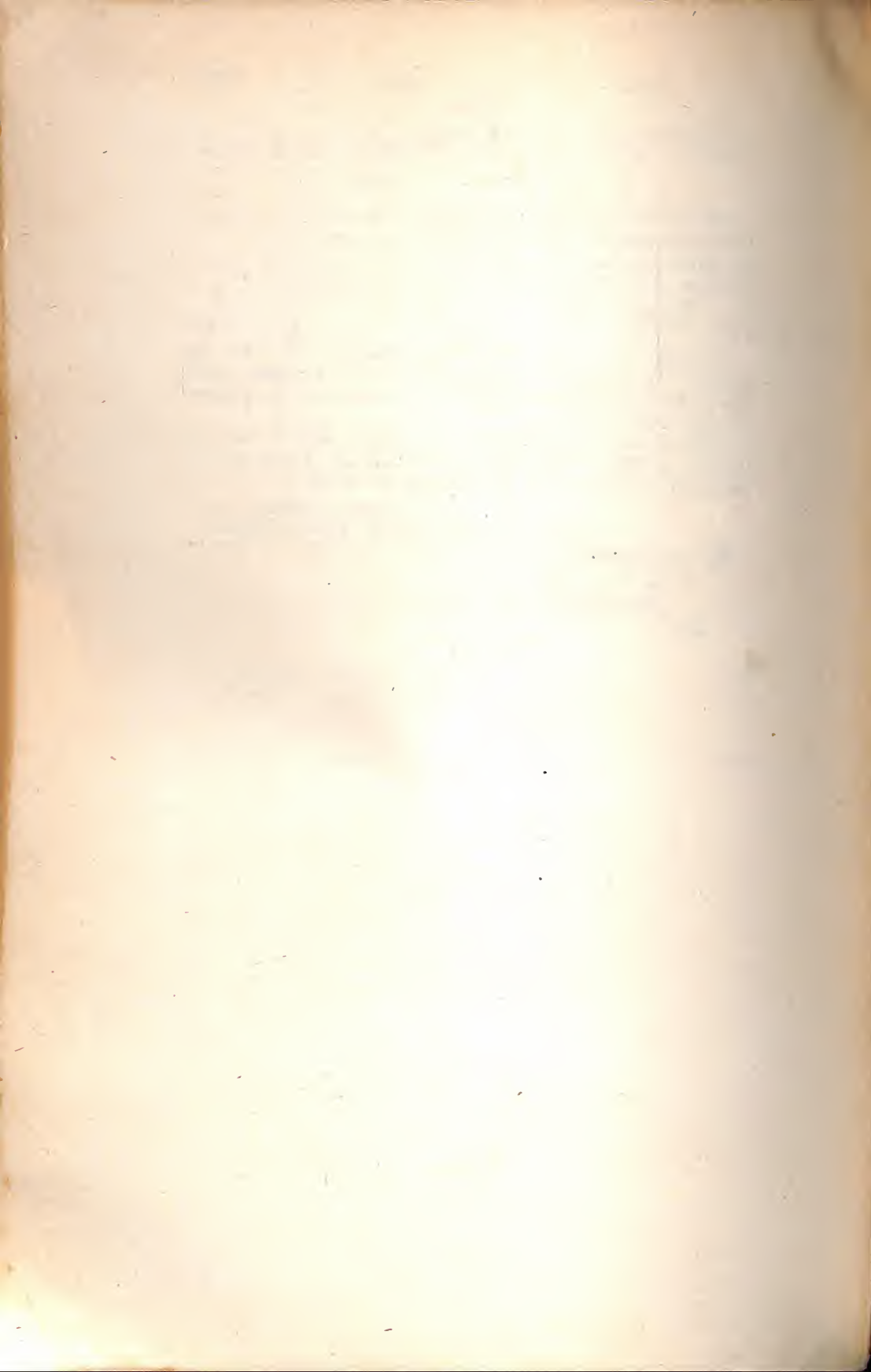
By the President:

JORGE B. VARGAS

Secretary to the President

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MALACANAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 311

REVISING FURTHER EXECUTIVE ORDER NO. 135, DATED DECEMBER 31, 1937, AS AMENDED, ESTABLISHING A CLASSIFICATION OF ROADS.

For the purpose of classifying and establishing the limits of public roads and fixing the responsibility for the proper maintenance of the roads built or to be built, and upon recommendation of the National Transportation Board created by Executive Order No. 45, dated July 6, 1936, I, Manuel L. Quezon, President of the Philippines, do hereby establish the following classification of roads:

I. NATIONAL ROADS:

All roads now classified as insular roads; main traffic routes connecting provincial capitals with important commercial centers, national airports, national seaports, and national parks and roads of military importance, which may be so designated by the President upon favorable recommendation of the Secretary of Public Works and Communications. National roads shall have a right-of-way of not less than twenty (20) meters; *provided* that a right-of-way of at least sixty (60) meters shall be reserved for roads constructed through unpatented public land and at least one hundred twenty (120) meters reserved through naturally forested areas of æsthetic or scientific value.

51519

II. PROVINCIAL ROADS:

All roads connecting one municipality with another municipality, the termini to be the public plazas; all roads extending from a municipality, or from a provincial or national road to a public wharf or railway station; and any other road which may be so designated by the Secretary of Public Works and Communications upon the request of the Provincial Board concerned and upon favorable recommendation of the Director of Public Works. Provincial roads shall have a right-of-way of not less than fifteen (15) meters; *provided* that a right-of-way of at least sixty (60) meters shall be reserved for roads constructed through unpatented public land.

III. MUNICIPAL ROADS:

All highways not included in the above classifications. Municipal roads shall have a right-of-way of not less than ten (10) meters; *provided* that the principal streets of townsites located on public land shall have a width of sixty (60) meters and all other streets a width of not less than fifteen (15) meters.

National Roads		From Km.	To Km.	Length Km.
ABRA—				
(1)	Abra-Ilocos Sur Road	389.60	411.60	22.00
(2)	Abra-Kalinga Road	411.60	483.20	71.60
(3)	Abra-Ilocos Norte Road	411.60	463.60	42.00
(4)	Bangued-Cadre Road	413.50	414.10	0.60
AGUSAN—				
(1)	Agusan-Misamis Oriental Road	291.56	332.86	41.30
(2)	Agusan-Surigao Road	332.86	406.56	73.70
(3)	Agusan-Davao Road	339.71	502.69	162.98
(4)	Aspitia-Lianga-Hinatuan Road	404.52	418.89	13.87
(5)	Butuan Cadre Road			0.16
(6)	Jct. Nasipit Port Road	309.86	312.79	2.93
ALBAY—				
(1)	Manila-South Road	512.76	573.46	60.70
(2)	Daraga - Legaspi - Tiwi - Camarines Sur Boundary Road	533.78	595.88	62.10
(3)	Legaspi Airport Road	563.56	566.16	2.60
(4)	Ligao-Tabaco Road	543.26	570.56	27.30

National Roads		From Km.	To Km.	Length Km.
ALBAY—Continued				
(5)	Mount Mayon Park Road	557.56	594.56	37.00
(6)	Ligao-Panganiran Road	541.87	582.15	40.24
(7)	Daraga Cadre Road	558.26	559.00	0.87
(8)	Regan Barracks Mobilization Center Road			2.99
(9)	Legaspi Port Road	563.56	564.46	0.90
(10)	Tabaco-Wharf Road			1.00
CATANDUANES—				
(1)	Viga-Calolbon-Bato Road			91.00
(2)	Junction Bato-Viga Road	8.00	56.00	48.00
(8)	Virac-Wharf Road			0.43
ANTIQUE—				
(1)	Antique-Capiz Road	0.00	134.10	134.10
(2)	Antique-Iloilo Road	0.00	24.50	24.50
(3)	San Jose Airport Road	2.81	3.52	0.61
(4)	San Jose Port Road	0.00	1.00	1.00
(5)	San Jose Cadre Road	4.20	4.30	0.10
BATAAN—				
(1)	Bataan-Pampanga Road	97.14	124.32	27.18
(2)	Bataan-Zambales Road	100.47	120.22	19.75
(3)	Balanga-Mariveles Port Road	124.32	174.05	49.73
(4)	Balanga Cadre Road			0.61
(5)	Dinalupihan Junction Porac-Angeles Road	113.99	120.78	6.79
EATANES—				
(1)	Basco-Ivana-Imnuibu-Mahatao Road	0.00	33.50	32.50
(2)	Basco-Airport Contra Costa Road	0.02	3.30	3.28
(3)	Basco Port Road			0.31
(4)	Basco Radio Station Road			0.75
BATANGAS—				
(1)	Manila-South Road	62.89	76.13	13.24
(2)	Batangas-Lemery-Tagaytay Road	114.09	163.89	49.80
(3)	Batangas-Tayabas Road	114.85	142.85	28.00
(4)	Manila-Batangas Road via Tanauan Di- version	67.29	114.89	47.60
(5)	Tagaytay-Tuy-Nasugbu Port Road	71.98	104.98	33.00
(6)	Batangas Airport Road			0.80
(7)	Nasugbu-Calatagan Road	99.00	125.50	26.50
(8)	Tagaytay Bdry.-Sto. Tomas Road	67.92	83.21	15.29
(9)	Banaybanay-Mojon Junction Road	93.29	110.89	17.60
(10)	Batangas Cadre Road			0.90
(11)	Lipa Cadre Road			0.50
(12)	Paliko Cadre Road			0.80
(13)	Lake Taal Tagaytay Road	62.12	71.00	5.88
(14)	Lemery-Balayan-Palico Road	144.50	176.62	32.12

National Roads		From Km.	To Km.	Length Km.
BATANGAS—Continued				
(15)	Batangas Port Road	114.89	117.20	2.31
(16)	Batangas-Lobo Road	114.00	148.00	34.00
BENGUET—				
(1)	Kennon Road (Old)	214.93	215.73	0.80
(2)	Paguio-Bauang Road	283.50	301.20	17.70
(3)	Baguio-Bontoc Road	252.58	349.38	96.80
(4)	Junction Mancayan-Cervantes Road	336.98	363.18	26.20
(5)	Kennon-Damortis Road	215.78	240.58	24.80
(6)	La Trinidad Cadre Roads			
	(a) Benguet Provincial Inspector's Office Road			0.24
	(b) Benguet Cadre Road			0.34
(7)	Paguio-Bua-Itogon Road	253.88	269.88	16.00
BOHOL—				
(1)	Tagbilaran-Loay-Talibon Road	0.00	109.20	109.20
(2)	Tagbilaran-Airport Road	2.20	2.50	0.30
(3)	Tagbilaran-North Road	0.00	112.50	112.50
(4)	Tagbilaran-Cadre Road	2.09	2.72	0.63
(5)	Calape Cadre Road	42.43	43.54	1.11
(6)	Ubay Cadre Road	123.08	124.11	1.03
(7)	Tubigon Cadre Road	57.25	58.03	0.78
(8)	Carmen Mobilization Center Road			
(9)	Tagbilaran Causeway Road	0.70	1.50	0.80
BUKIDNON—				
(1)	Sayre Highway (Bukidnon-Misamis Oriental Road)	153.40	231.70	78.30
(2)	Sayre Highway (Bukidnon-Cotabato Road)	231.70	337.70	106.00
(3)	Del Monte Airport Road	159.40	161.60	2.20
(4)	Malaybalay Airport Road			0.60
(5)	Capitol Road			1.30
(6)	Maramag-Cabaritan-Malundo Road	283.10	323.10	40.00
(7)	Malaybalay Cadre Road	107.00	107.86	0.86
(8)	Jct, Aglayan-Managoc Road	242.80	251.70	8.90
BULACAN—				
(1)	Manila-North Road	10.41	51.51	41.10
(2)	Cagayan Valley Road	36.28	86.07	49.79
(3)	Plaridel Airport Road	41.98	44.10	2.12
(4)	Pulilan Calumpit Road	42.61	54.54	11.93
(5)	San Miguel-Sibul Springs-Biac-na-bato Road	78.92	97.82	18.90
(6)	Plaridel-Norzagaray Bictl Road	41.98	80.87	38.89
(7)	San Miguel Cadre Road	88.09	90.03	1.94
(8)	Animal Utilization Service Road	10.50	11.10	0.60

National Roads		From Km.	To Km.	Length Km.
CAGAYAN—				
(1)	Cagayan Valley Aparri Port Road	475.12	593.32	118.20
(2)	Cagayan-Ilocos Norte Road	583.10	691.95	108.85
(3)	Cagayan-Kalinga Road	540.38	560.89	20.51
(4)	Cagayan-Apayao Road	719.90	791.60	71.10
(5)	Tuguegarao Airport Road			3.74
(6)	Aparri Airport Road			0.70
(7)	Cadca-dir-Kabugao Road	613.91	617.91	4.00
(8)	Aparri Cadre Road			0.50
(9)	Tuguegarao Cadre Road			0.30
CAMARINES NORTE—				
(1)	Manila-South Road	270.35	392.75	122.40
(2)	Talubatif-Mambulao Port Road	340.35	360.75	20.40
(3)	Daet (Bagasbas) Airport Road	359.25	363.15	3.90
(4)	Daet Cadre Road			0.75
CAMARINES SUR—				
(1)	Manila South Road via Barcelonata-Cabusao	392.75	512.76	120.01
(2)	Pili-Tigaon-Albay-Boundary Road	477.48	533.78	56.30
(3)	Sagnay-Nato Port Road	510.10	512.30	2.20
(4)	Naga (Pili) Airport Road			0.64
(5)	Pili Cadre Road			0.78
(6)	Moriones-Consocep-Capantadan (Mt. Isarog Park Road)			13.78
CAPIZ—				
(1)	Capiz-Iloilo Road	0.00	65.50	65.50
(2)	Capiz-East Road	7.40	54.60	47.20
(3)	Capiz-Antique Road	15.60	133.20	117.60
(4)	Capiz-Kolasi Port Road	0.00	7.70	7.70
(5)	Kalibo-New Washington Wharf Road	84.30	93.94	9.64
(6)	Capiz-Airport Road			0.00
(7)	Panitan Cadre Road			0.73
(8)	Banga Cadre Road			0.03
CAVITE—				
(1)	Manila-Cavite Road	14.93	29.40	14.45
(2)	Cavite-Batangas Road	{	15.32	46.70
			53.83	
(3)	Noveleta-Naic-Tagaytay Road		64.79	71.93
(4)	Dasmariñas-Carmona-Biñan Road		26.12	75.78
(5)	Tres Cruces (Tanza) Cadre Road		37.73	53.59
			33.76	42.34
CAVITE, City of—				
(1)	Manila Cavite Road	29.40	36.00	6.60
(2)	Manila Boulevard from J. Miranda to M. Gregorio			1.80

National Roads		From Km.	To Km.	Length Km.
CAVITE—Continued				
(3) M. Gregorio from Manila Boulevard to Dra. Salamanca				0.98
(4) Dra. Salamanca from Naval Reservation to P. Burgos				1.07
(5) Farnecio Street				0.11
(6) P. Gomez Street				0.74
TAGAYTAY, City of—				
(1) Tagaytay-Manila via Silang	53.83	59.42		5.59
(2) Tagaytay-Batangas via Tuy	59.42	64.79		5.37
(3) Tagaytay-Cavite via Mendez	75.78	78.25		2.47
(4) Tagaytay-Calamba Road	55.87	67.92		12.05
(5) Tagaytay-Lake Taal Road	55.62	65.14		9.52
(6) Mahogany Avenue				2.78
CEBU, PROVINCE OF—				
(1) Cebu-North-Hagnaya Wharf Road	3.49	110.90		107.41
(2) Cebu-South-San Sebastian Wharf Road	7.23	140.80		133.57
(3) Cebu-Toledo Wharf Road	8.80	49.80		41.00
(4) Bogo-Polambato Wharf Road	102.98	105.37		2.30
(5) Dalaguete-Badian Road	83.30	118.00		34.70
(6) Opon-Mactan (Magellan Monument) Road	0.00	7.50		7.50
(7) Argao Cadre Road				0.50
(8) Pinamungajan Cadre Road				0.30
(9) Medellin Cadre Road				0.05
(10) Bogo-Medellin Cadre Road	104.40	121.00		16.60
(11) Toledo-Pinamungajan Cadre Road	49.80	62.80		13.00
(12) Carcar - Barili - Mantayupan Waterfalls Road	39.00	64.26		25.26
CEBU, CITY OF—				
(1) Cebu-North Road	0.00	3.49		3.49
(2) Cebu-South Road via Magallanes	0.00	7.23		7.23
(3) Cebu-Guadalupe Road	1.20	6.00		4.80
(4) Juan Luna-Fuente Osmeña-Guadalupe Road	0.00	3.90		3.90
(5) Mango Avenue	1.70	4.00		2.30
(6) Cebu Cadre Road (Lahug)				2.50
(7) Cebu (Banilad Heights) Airport Road...				2.15
(8) Calles Colon-Padilla				2.93
(9) Calle Sanciango				0.64
(10) Calle Borromeo				0.64
(11) Calle Carlock and Extension to Gua- dalupe Road				0.77
(12) Calles Morga and Comercio				0.91
(13) Calle Calderon (To Wharf)				0.33
(14) Calle Norte America (D. Jakosalem) and Extension to Airport				2.20

National Roads		From Km.	To Km.	Length Km.
CEBU, CITY OF—Continued				
(15)	Gorordo Avenue (To airport)			3.40
(16)	New Avenue connecting Mango Avenue- Luna Guadalupe			2.48
(17)	Calle Martires	0.11	0.23	0.17
(18)	Calle Gonzales (Wharf-Comercio)			0.08
(19)	Calle Burgos (Wharf-Magallanes)			0.20
(20)	Calle Lapulapu (Wharf-Merga)			0.09
(21)	Capitol-Junior College			1.20
(22)	Civic Center (Capitol Roads)			0.26
(23)	Calle Legaspi Extension to Pier 1 Road			0.36
(24)	Parian Estero Road			0.44
(25)	Calles Mabini and Lopez Jaena (Colon- Martires)			0.45
(26)	Wharf Roads:			
	(a) Marginal Wharf			1.70
	(b) Driveway Pilot House			0.75
	(c) Mandawe Boulevard			0.60
	(d) Manalili Extension			0.40
	(e) Pier 2-Martires			0.45
	(f) Pier 3-Martires			0.52
	(g) Near Madrigal Mills			0.10
(27)	Cebu Hospital Road			0.09
COTABATO—				
(1)	Cotabato-Davao Road	145.98	280.70	134.72
(2)	Cotabato-Lanao Road	102.70	158.42	55.72
(3)	Makar-Malalag Road	339.09	396.22	57.13
(4)	Midsayap-Dulawan-Makar Road	179.74	339.09	159.35
(5)	Cotabato Airport Road			4.02
(6)	Sayre Highway (Cotabato-Bukidnon Road)	337.70	389.07	51.37
(7)	Cotabato Cadre Road			1.22
(8)	Parang-Wharf Road			0.80
DAYAO, PROVINCE OF—				
(1)	Davao-Agusan Road (Lasang River-Agu- san Boundary)	395.87	512.21	116.34
(2)	Davao-Cotabato Road (Sibulan River- Cotabato Boundary)	280.70	341.95	61.25
(3)	Penal Colony Road	406.97	418.01	11.04
(4)	Digos-Malalag-Makar Road	396.22	511.42	115.20
(5)	Mati Wharf Road			0.13

National Roads		From Km.	To Km.	Length Km.
DAVAO, CITY OF—				
(1) Davao Port Road (Jones Monument to Liberty Monument)				1.60
(2) Davao-Agusan Road (Davao-Lasang River)	368.21	395.87		27.66
(3) Davao-Cotabato Road (Davao-Inawayan River)	359.41 341.95 360.11	368.21	8.80	
		358.42	16.47	
		379.38	19.27	
(4) Davao-Bukidnon Road				4.40
(5) Pier to River Front (Along Waterfront Road)				0.20
(6) San Pedro St. Extension to Riverfront				1.45
(7) Hospital Jct.-Pier (Fifth Avenue)				3.90
(8) Civic Center Streets				1.48
(9) Tomas Claudio Street (Magallanes St. to Jones Monument)				1.30
(10) Proposed avenue back of Capitol (from S. Pedro to Hospital Junction)				0.94
(11) Davao Cadre Road				2.00
(12) Catitipan Airport Road				
ILOCOS NORTE—				
(1) Manila-North Road	446.60	583.10	136.00	
(2) Ilocos Norte-Apayao Road	494.89	562.60	67.71	
(3) Ilocos Norte-Abra Road	463.60	502.56	48.96	
(4) Laoag (Barrio Gabu) Airport Road			6.67	
(5) Currimaos Port Road (Gaeng)			0.37	
(6) Laoag Cadre Road			1.16	
ILOCOS SUR—				
(1) Manila-North Road	315.20	446.60	131.40	
(2) Tagudin-Bontoc Road	322.80	390.70	67.90	
(3) Ilocos Sur-Abra Road	381.00	389.60	8.60	
(4) Vigan Airport Road	419.11	423.41	4.30	
(5) San Ildefonso Port Road	423.11	427.61	4.50	
(6) Cervantes-Mancayan Road	363.18	372.58	9.40	
(7) Vigan Cadre Road			0.40	
(8) Solvec Port Road			1.00	
ILOILO, PROVINCE OF—				
(1) Iloilo-Capiz Road	1.75	71.70	69.95	
(2) Iloilo-Antique Road	8.40	72.30	63.90	
(3) Jaro-Balasan-Capiz Boundary Road	3.34	135.57	132.23	
(4) Jaro-Mandurriao Road	3.10	3.80	0.70	
(5) Oton-Paquiad-Mandurriao Road	8.60	12.20	3.60	
(6) La Paz-Jaro Road	2.28	3.45	1.17	
(7) Miagao Cadre Road			1.30	
(8) Dingle Cadre Road			1.60	

National Roads		From Km.	To Km.	Length Km.
ILOILO, CITY OF—				
(1) City Streets:				
(a) Calle Isnart-Ledesma-Antique				3.73
(b) Calle J. M. Basa-Ft. San Pedro				2.25
(c) Muelle Lonoy-Marginal Wharf.....				2.94
(d) Calle Blumentritt				0.33
(e) Calle I. de la Rama				0.86
(f) Calle P. Arroyo				0.13
(2) Molo-Emergency Hospital Road	3.80	4.00		0.20
(3) Iloilo-North Road (Iloilo-Jaro)	0.00	1.75		1.75
(4) Molo-Mandurriao-Jaro Road	3.00	7.20		4.20
(5) Mandurriao-San Miguel Road	5.50	8.96		3.46
(6) Iloilo-South Road	0.00	8.40		8.40
(7) Iloilo-La Paz-Granja Road	0.70	2.00		1.30
(8) La Paz-Jaro Road via Calle Burgos.....	1.22	2.28		1.06
(9) Iloilo-Airport (Direct Road).....				2.20
(10) North Marginal Wharf Road				2.20
(11) West Avenue at City Hall				0.80
(12) La Paz-Lapus (Proposed).....				1.00
(13) Mandurriao-Paquiad Road	5.29	6.98		1.69
(14) Oton-Mandurriao Road	8.40	8.53		0.13
(15) Calle Duran (Iloilo Cadres)				0.75
ISABELA—				
(1) Cagayan Valley Road	318.41	475.12		156.71
(2) Ilagan Airport Road				0.00
(3) Gamu Cadre Road				0.72
(4) Echague Cadre Road				0.34
LAGUNA—				
(1) Manila-South Road	30.89 76.13	62.89 84.76	40.63	
(2) Calamba-Sta. Cruz-Tayabas Boundary Road via Famy				
	54.56	122.90		68.34
(3) Pagsanjan-Lucena Road	103.20	126.40		23.20
(4) Rizal Boundary-Famy Junction Road.....	69.67	98.90		29.23
(5) Mt. Makiling Park Road.....	66.34	82.14		15.80
(6) Biñan-Carmona-Dasmariñas Road	36.16	37.77		1.64
(7) Canlubang Cadre Road	52.57	55.63		3.06
(8) Lumbang-Caliraya Dam Site Road.....	106.14	116.90		10.76
(9) Calamba-Tagaytay Road	67.92	84.07		16.15
SAN PABLO, CITY OF—				
(1) Manila-South Road	84.76	98.98		14.22

National Roads		From Km.	To Km.	Length Km.
LANAO—				
(1)	Lanao-Cotabato Road	0.00	102.70	102.70
(2)	Lanao-Zamboanga Road	0.00	123.00	123.00
(3)	Lanao-Misamis Oriental Road	31.00	49.70	18.70
(4)	Lanao-Cadre Road .....	.....	.....	.....
(5)	Dansalan-Tamparan-Ganassi Road	0.00	56.00	56.00
(6)	Camp Keithley Airport Road	0.30	1.30	1.00
(7)	Malabang Airport Road.....	68.50	68.50	0.00
(8)	Malabang-Kasilag-Maitumaig Road	68.00	120.00	52.00
(9)	Malundo-Cabaritan-Maramag Road	18.00	56.00	38.00
(10)	Ganassi-Tubod Road	35.00	86.00	51.00
(11)	Pantao-Abaga Road	52.00	63.00	11.00
(12)	Iligan Port Road .....	.....	.....	0.50
LA UNION—				
(1)	Manila-North Road	212.14	315.20	103.06
(2)	La Union-Pangasinan Road	244.86	248.70	3.84
(3)	Bauang-Baguio Road	260.90	283.50	22.60
(4)	San Fernando-Poro Port Road .....	.....	.....	8.10
(5)	Naguilian Cadre Road .....	.....	.....	0.87
(6)	La Union-Benguet Road	213.83	215.78	1.95
		214.15	214.32	0.49
LEYTE—				
(1)	Tacloban Port-Baybay Agricultural School Road	0.00	116.70	116.70
(2)	Palo-Carigara-Ormoc Road	11.50	109.80	98.30
(3)	Leyte-Samar Road	0.00	25.50	25.50
(4)	Libungao-Palompon Road	89.30	125.00	35.70
(5)	Tacloban Airport Road	5.10	9.30	4.20
(6)	Tacloban Cadre Road	0.00	0.32	0.32
(7)	Malitbog Cadre Road	243.98	244.89	0.91
(8)	Ormoc Cadre Road	111.10	111.44	0.34
(9)	Matalom Cadre Road	180.01	181.26	1.25
(10)	Carigara Cadre Road .....	.....	.....	0.10
(11)	Tacloban Port Road .....	.....	.....	1.00
MARINDUQUE—				
(1)	Boac-Santa Cruz-Buyabud Port Road.....	0.78	35.15	34.47
(2)	Mogpog-Balanacan Port Road	5.83	14.95	9.12
(3)	Boac-Buenavista Road	0.00	31.00	31.00
(4)	Boac Cadre Road .....	.....	.....	.....
(5)	Capitol Road	1.84	2.14	0.30
(6)	Buenavista-Torrijos-Sta. Cruz Road.....	81.00	86.40	55.40
MASBATE—				
(1)	Masbate-Junction-Milagros-Aroroy Road	1.53	72.63	71.10
(2)	Masbate-Dimasalang Road	0.00	47.30	47.30
(3)	Masbate-Port Road	0.49	1.09	0.60
(4)	Masbate Cadre Road	0.10	0.62	0.52

National Roads		From Km.	To Km.	Length Km.
MINDORO—				
(1)	Calapan-Pinamalayan-Bongabong-San Jose-Mangarin Road	0.00	183.00	183.00
(2)	Calapan-Junction-Puerto Galera-Mamburao Road	4.80	109.00	104.20
(3)	Quezon Drive	0.18	2.50	2.32
(4)	Calapan Airport Road	1.80	8.00	1.20
(5)	Jolo-Pola Port Road	58.50	70.50	12.00
(6)	Calapan Cadre Road	2.10	2.40	0.30
MOUNTAIN PROVINCE—				
(1)	Bontoc-Baguio Road	349.38	397.78	48.40
(2)	Bontoc-Tagudin Road	390.70	422.00	31.30
(3)	Mt. Province-Cagayan Road via Tabuk and Enrile	397.78	540.38	142.60
(4)	Kalinga-Abra Road	483.20	550.70	67.50
(5)	Mt. Province-Nueva Vizcaya Road	298.40	401.90	103.50
(6)	Apayao-Cagayan Road	635.60	719.90	84.30
(7)	Apayao-Ilocos Norte Road	562.60	635.60	73.00
(8)	Kabugao-Cadcahir Road	617.91	719.41	101.50
(9)	Bontoc Cadre Road .....	.....	.....	1.00
(10)	Kagawe Cadre Road .....	.....	.....	1.00
NUEVA ECIJA—				
(1)	Cagayan Valley Road	86.07	215.07	129.00
(2)	Nueva Ecija-Tayabas Road	121.10	158.96	37.86
(3)	Quezon Highway (Kalanang-Tayabas Boundary Section)	158.96	177.26	18.30
(4)	Nueva Ecija-Tarlac Road	146.05	174.08	28.03
(5)	Nueva Ecija-Pampanga Road	93.91	114.40	20.49
(6)	Nueva Ecija-Pangasinan Road	187.86	225.12	37.26
(7)	Bangad Airport Road .....	.....	.....	2.25
(8)	Bangad Cadre Road .....	.....	.....	0.77
NUEVA VIZCAYA—				
(1)	Cagayan Valley Road	215.07	318.41	103.34
(2)	Nueva Vizcaya-Mt. Province Road	289.77	293.61	3.84
(3)	Nueva Vizcaya-Pangasinan Road	234.76	253.98	19.20
(4)	Bagabag Airport Road .....	.....	.....	0.00
(5)	Bayombong Cadre Road .....	.....	.....	0.00
OCCIDENTAL MISAMIS—				
(1)	Oroquieta-Pagadian Road	160.00	247.76	87.76
(2)	Oroquieta-Dipolog Road	247.76	297.64	49.88
(3)	Jimenez Port Road .....	.....	.....	0.86
(4)	Bagakay (Misamis) Cadre Road .....	.....	.....	1.67
(5)	Plaridel Cadre Road .....	.....	.....	0.36
(6)	Oroquieta Cadre Road .....	.....	.....	0.46

National Roads		From Km.	To Km.	Length Km.
ORIENTAL MISAMIS—				
(1)	Oriental Misamis-Agusan Road via Claveria	125.50	271.31	145.81
(2)	Sayre Highway (Oriental Misamis-Bukidnon Road	139.90	153.40	13.50
(3)	Oriental Misamis-Lanao Road	49.70	125.50	75.80
(4)	Cagayan Port Road	127.10	129.50	2.40
(5)	Cagayan Airport Road			0.00
(6)	Cagayan Cadre Road			0.80
(7)	Streets around Plaza (Cagayan)			0.56
OCCIDENTAL NEGROS—				
(1)	Bacolod-South (Kabankalan) Road	11.22	94.70	83.48
(2)	Bacolod-North Road	4.28	161.20	156.92
(3)	Junction Bagonawa-La Castellana Junction Vallehermoso Road	41.50	90.28	48.78
(4)	Banga-Pulupandan Port Road	26.40	31.20	4.80
(5)	Bacolod Airport Road	4.20	4.20	0.00
(6)	Hinigaran-Isabela-La Castellana Road...	60.40	93.30	32.90
(7)	San Carlos-Port Road	146.00	147.00	1.00
(8)	Kabankalan-Tolong-Nueva Road	94.00	151.17	57.17
(9)	Fabrica Cadre Road	71.06	71.21	0.15
(10)	Magallon Cadre Road	84.51	84.61	0.10
(11)	Mambucal Cadre Road	29.50	29.60	0.10
(12)	Binalbagan Cadre Road	70.00	70.15	0.15
BACOLOD, CITY OF—				
(1)	Bacolod-North Road	0.00	4.28	4.28
(2)	Bacolod-South Road (Kabankalan)	0.00	11.22	11.22
(3)	Bacolod-Santo Niño Road	0.20	3.00	2.80
(4)	Capitol Road	0.00	2.20	2.20
OCCIDENTAL NEGROS—				
(1)	Dumaguete-North Road	0.00	150.80	150.80
(2)	Vallehermoso-La Castellana Road	147.60	175.10	27.50
(3)	Dumaguete Airport Road	0.80	3.40	2.60
(4)	Larena-San Juan-Maria-Larena Road (Siquijor Island)	0.00	58.90	58.90
(5)	Tolong-Nueva-Kabankalan Road	102.01	157.01	55.00
(6)	Guihulngan Cadre Road	118.04	118.14	0.10
(7)	Tanjay Cadre Road			0.44
(8)	Mobilization Center Road (Siquijor)			
(9)	Dumaguete-Siaton Road	0.00	50.20	50.20
(10)	Dumaguete Port Road	0.00	1.10	1.10

National Roads		From Km.	To Km.	Length Km.
PALAWAN—				
(1)	Puerto Princesa-North Road	4.54	58.04	53.50
(2)	Tapul-Bahali Road	43.34	47.67	4.33
(3)	Puerto Princesa-South Road	0.00	77.00	77.00
(4)	Puerto Princesa Airport Road	1.84	2.84	1.00
(5)	Coron Busuanga Road	0.00	60.00	60.00
(6)	Puerto Princesa Cadre Road	6.38	7.24	0.86
(7)	Puerto Princesa Wharf Road.....	0.00	0.22	0.22
(8)	Coron Wharf Road	0.00	1.70	1.70
PAMPANGA—				
(1)	Manila-North Road	51.51	97.51	46.00
(2)	Pampanga-Nueva Ecija Road	66.21	93.91	27.70
(3)	Pampanga-Bataan Road	66.21	97.14	30.93
(4)	San Fernando Cadre Road .....	.....	.....	0.89
(5)	Camp Dau (Fort Stotsenberg) Cadre Road .....	.....	.....	1.57
(6)	Angeles-Porac-Olangapo Road	83.05	113.99	30.94
(7)	Mt. Arayat Park Road.....	92.00	115.36	23.36
PANGASINAN—				
(1)	Manila-North Road	168.96	212.14	43.18
(2)	Pangasinan-Tarlac Road	166.86	206.86	40.00
(3)	Pangasinan-La Union Road	206.86	244.86	38.00
(4)	Pangasinan-Nueva Vizcaya Road	171.86	234.76	62.90
(5)	Urdaneta Junction-Dagupan Junction Road	181.96	211.26	29.30
(6)	Pangasinan-Nueva Ecija Road	176.26	187.86	11.60
(7)	Pangasinan-Zambales Road	270.57	361.02	90.45
(8)	Manaoag Cadre Road .....	.....	.....	0.98
(9)	Bayambang Cadre Road .....	.....	.....	1.03
(10)	Binmaley Cadre Road .....	.....	.....	1.83
(11)	Tayug Cadre Road .....	.....	.....	0.46
(12)	Lingayen Cadre Road .....	.....	.....	0.48
(13)	Alaminos Cadre Road .....	.....	.....	0.84
(14)	Jct. Cauriñgan-Benguet Bdry. Road.....	211.05	214.93	3.88
RIZAL—				
(1)	Manila-South Road	3.10	30.89	27.79
(2)	Manila-South Road Jct.-Cavite Bdry.....	14.70	14.93	0.23
(3)	Taft Avenue Extension Road	8.90	7.30	3.40
(4)	Manila-North Road (Avenida Rizal Ex- tension)	6.54	10.41	3.87
(5)	Manila Circumferential Road:			
	(a) North Bay Boulevard-Sanganda- an-Bonifacio Monument-Quezon City Bdry. ....	.....	.....	10.86

National Roads		From Km.	To Km.	Length Km.
RIZAL—continued				
(b) Taft Avenue Junction-Quezon City Bdry.				
				9.50
(6) Camp Murphy Roads	11.20	16.68	5.48	
(7) Manila-East Road	4.36	69.67	65.31	
(8) Manila-Marikina-Pasig Junction Road....	6.36	8.00	1.64	
(9) Fort McKinley-Libertad (Pasay)-Beach Road Extension	4.59	13.54	8.95	
(10) Welfareville Roads	7.03	11.34	4.31	
(11) Psychopathic Hospital Roads	7.22	10.67	3.45	
(12) Panaderos Street Extension (Felix Roxas-Kalington - Shaw Boulevard-Junction Road)	5.90	6.63	0.73	
(13) Quezon City Boundary-Novaliches Reservoir Road Junction	9.61	23.20	13.59	
(14) Ft. McKinley Cadre Road			0.50	
(15) Camp Claudio Cadre Road			0.30	
(16) San Juan-Santolan Pumping Station Road	7.30	8.72	1.42	
(17) Shaw Boulevard (Sanchez Extension-Junction Manila-East Road)	5.90	13.30	7.40	
(18) Dewey Boulevard (City Limits to Cavite Boundary)	8.46	13.50	10.04	
(19) Sta. Mesa Extension	7.27	8.35	1.08	
(20) Jct. Taft Avenue-F. B. Harrison-Dewey Boulevard	7.26	7.61	0.35	
(21) Central Leprosarium Road	18.00	28.00	10.00	
POMBLON—				
(1) Badajoz-Odiongan-Looc-Alcantara Road..	7.00	37.00	30.00	
(2) Romblon Sablayan Road	0.00	20.84	20.84	
(3) San Fernando-Cajidiocan Road	0.00	17.00	17.00	
(4) Odiongan Cadre Road	52.68	53.20	0.60	
(5) Romblon Port Road			0.10	
SAMAR—				
(1) Catbalogan-North Road	0.00	148.73	148.73	
(2) Catbalogan-Taft-Borongan Road	0.00	145.16	145.16	
(3) Samar-Leyte Road	29.60	37.28	57.68	
(4) Catarman-Maao Road	0.00	57.40	57.40	
(5) Catbalogan Cadre Road	2.80	3.00	0.20	
(6) Catarman Cadre Road	0.20	0.45	0.25	
(7) Borongan Cadre Road	1.00	1.10	0.10	
(8) Calbayog Mobilization Center Road.....			0.30	
(9) Catbalogan Port Road				
(10) Calbayog Airport Road	79.3	79.41	0.11	

National Roads		From Km.	To Km.	Length Km.
SORSOGON—				
(1)	Manila-South Road	573.46	681.40	107.94
(2)	San Roque-Irosin Road	662.94	673.70	10.76
(3)	Sorsogon-Airport Road			0.35
(4)	Sorsogon Cadre Road			0.41
(5)	Bulan Cadre Road			0.28
(6)	San Roque-Mt. Bulusan National Park Road	662.94	670.94	8.00
(7)	Juban-Magallanes Port Road	638.06	662.74	24.68
(8)	Gate-Bulan Road	664.43	677.67	13.24
SULU—				
(1)	Jolo Port-Tandu Batu Road	0.00	55.20	55.20
(2)	Jolo Airport Road	0.50	2.50	2.00
(3)	Jolo-Parang Road	6.80	22.64	15.84
(4)	Batubatu-Tarwakan Road (Tawitawi)....	0.00	9.80	9.80
(5)	Jolo Cadre Road			0.45
(6)	Si-it Lake-Tayungan-Camp Andres Road	36.06	46.45	10.39
(7)	Jolo-Bud Daho-Romandier Road	0.70	18.08	17.38
SURIGAO—				
(1)	Surigao-Agusan Road	406.56	455.62	49.06
(2)	Badas-Carrascal Road	428.62	516.82	88.20
(3)	Surigao Airport Road			0.38
(4)	Azpitia-Lianga-Hinatuan Road	418.39	486.46	68.07
(5)	Badas Cadre Road			0.38
(6)	Surigao Wharf Road			1.70
(7)	Ka-ayongan-Dahikan Road	354.20	362.88	8.18
TARLAC—				
(1)	Manila-North Road	97.51	168.96	71.45
(2)	Tarlac-Nueva Ecija Road	125.65	146.05	20.40
(3)	Tarlac-Pangasinan Road	123.56	166.86	43.30
(4)	Tarlac-Airport Road	125.40	126.30	0.90
(5)	Tarlac-Zambales Road	125.46	148.99	23.53
(6)	San Miguel Cadre Road			2.80
(7)	Tarlac Cadre-San Miguel Cadre Road...			3.98
(8)	Capas-O'Donnell Road	106.99	125.46	18.47
TAYABAS—				
(1)	Manila-South Road	98.98	270.35	171.37
(2)	Quezon Highway (Nueva Ecija Boundary- Baler-Port Section)	177.26	246.07	68.81
(3)	Puerto Real-Famy Jct. Road	98.90	134.71	35.81
(4)	Lucena-Pagsanjan Road	126.40	156.50	30.10
(5)	Tayabas-Batangas Road	102.88	114.85	11.97

National Roads		From Km.	To Km.	Length Km.
TAYABAS—continued				
(6)	Hondagua Port Road	226.45	233.79	7.34
(7)	Gumaca - Pitogo - Mulanay - San Narciso Road	202.21	309.39	107.18
(8)	Tayabas Cadre Road	140.66	141.78	1.12
(9)	Perez Landing Field Road	38.00	42.00	4.00
(10)	Catanauan Landing Field Road	262.26	264.40	2.14
(11)	Casiguran-Dilaloñgan Landing Field			30.00
(12)	Baler Airport Road	232.00	232.55	.50
ZAMBALES—				
(1)	Zambales-Pangasinan Road	206.87	270.57	63.70
(2)	Zambales-Bataan Road	120.22	206.87	86.65
(3)	Zambales-Tarlac Road	148.40	189.40	41.00
(4)	Iba Cadre Road			0.56
ZAMBOANGA, PROVINCE OF—				
(1)	Dipolog-Oroquieta Road	297.64	342.35	44.71
(2)	Pagadian-Oroquieta Road	{	130.00 160.00	{ 70.00
			130.00 170.00	
(3)	Zamboanga-Naga-Pagadian Road	170.00	466.00	296.00
(4)	Daplahan-Cotas Junction-Malangas-Port Road	254.50	268.00	13.50
(5)	Pulauan Port Road			2.02
(6)	Junction Dapitan Park Road	330.60	337.10	6.50
(7)	Lanao-Zamboanga Road	123.00	130.00	7.00
(8)	Maluso-Isabela-Lamitan Port Road	0.00	84.10	84.10
ZAMBOANGA, CITY OF—				
(1)	Zamboanga-Naga Road	365.70	465.70	100.00
(2)	Zamboanga-Military Airport-San Ramon Penal Colony Road	365.70	390.70	25.00
(3)	Zamboanga-Petit Barracks Road (Carlos St.)			0.39
(4)	Cadre Road			0.77
(5)	Zamboanga Wharf Road			0.30
(6)	Tumaga Street			0.43
(7)	Marahui Street			0.24
(8)	Gov. Lim Street			0.24
(9)	Zamboanga-Cawacawa Boulevard-Philip- pine Army Reservation Road	365.90	371.70	5.80
(10)	Madrid Street			0.24
CITY OF BAGUIO—				
(1)	Trinidad Road			3.76
(2)	Irisan Road			8.00
(3)	Kisad Road			1.47
(4)	Governor Pack Road			10.43
(5)	Session Road			1.70

National Roads		From Km.	To Km.	Length Km.
CITY OF BAGUIO—continued				
(6)	Military Cut-Off Road			1.10
(7)	Baguio-Airport Road			9.00
(8)	Leonard Wood Road			2.93
QUEZON CITY—				
(1)	Circumferential Road	15.42	26.95	11.53
(2)	Sta. Mesa Boulevard Extension Road...	6.59 8.35	7.27 15.65	7.98
(3)	San Juan-Santolan Road			
(4)	Quezon Boulevard	8.72	13.90	5.18
(5)	España-Extension Road	6.03	14.84	8.76
(6)	España-Extension Road	6.38	11.46	5.08
(6)	Jct. Camp Murphy-Marikina Airport Road	11.26	15.00	3.74
(7)	La Loma-Balintawak Road	5.72	9.60	3.88
(8)	Camp Crame Road	10.15	10.80	0.65
(9)	U. P. Site-San Juan-Marikina Road Jct.			2.56
(10)	San Juan-Marikina Road	8.00	10.25	2.25
CITY OF MANILA—				
(1)	Rizal Avenue			4.41
(2)	P. Burgos St.			1.60
(3)	Plaza Lawton			0.67
(4)	Taft Avenue			3.68
(5)	Dewey Boulevard			3.18
(6)	Katigbak Drive			0.22
(7)	New Luneta			1.24
(8)	South Boulevard			0.22
(9)	Cortabitarte St.			0.27
(10)	F. B. Harrison			0.10
(11)	Vito Cruz St.			0.90
(12)	Harrison Boulevard			3.25
(13)	Azcarraga St.			3.61
(14)	Mendiola St.			2.20
(15)	Inverness St.			0.70
(16)	Tejeron St.			0.78
(17)	Ayala Boulevard			0.82
(18)	P. Casal St.			0.52
(19)	Tanduay St.			0.13
(20)	Legarda St.			1.30
(21)	Sta. Mesa St.			3.00
(22)	Valenzuela St.			0.66
(23)	Buenavista St.			0.40
(24)	P. Sanchez St.			0.60
(25)	Morayta St.			0.32
(26)	Rosario St.			0.70
(27)	Juan Luna St.			2.47
(28)	North Bay Boulevard			1.90

National Roads		From Km.	To Km.	Length Km.
CITY OF MANILA—continued				
(29)	Echague St. ....	.....	.....	1.00
(30)	General Solano St. ....	.....	.....	0.45
(31)	G. Aviles St. ....	.....	.....	1.82
(32)	Forbes St. ....	.....	.....	2.30
(33)	Dimasalang St. ....	.....	.....	0.22
(34)	Tayuman St. ....	.....	.....	1.64
(35)	Bustillos St. ....	.....	.....	0.14
(36)	Earnshaw St. ....	.....	.....	0.70
(37)	Muelle del Banco Nacional St. ....	.....	.....	0.46
(38)	Muelle de la Industria St. ....	.....	.....	1.20
(39)	Magallanes Drive ....	.....	.....	1.20
(40)	Aduana St. ....	.....	.....	0.82
(41)	A. Bonifacio St. ....	.....	.....	1.45
(42)	25th Street ....	.....	.....	0.44
(43)	Muelle San Francisco St. ....	.....	.....	0.96
(44)	13th Street ....	.....	.....	0.65
(45)	Muelle Tacoma St. and Extension to Pasig River ....	.....	.....	0.65
(46)	Muelle del Codo St. ....	.....	.....	0.44
(47)	Muelle del Rio St. ....	.....	.....	0.60
(48)	Isaac Peral St. ....	.....	.....	1.03
(49)	Canonigo St. ....	.....	.....	0.80
(50)	Otis St. ....	.....	.....	0.90
(51)	General Luna St. ....	.....	.....	1.70
(52)	Herran St. ....	.....	.....	1.67
(53)	Tejeron Junction-Panaderos-Felix Roxas St. ....	.....	.....	2.00
(54)	San Luis St. (Taft Avenue to Dewey Boulevard) ....	.....	.....	0.85
(55)	San Fernando St. ....	.....	.....	0.45
(56)	Madrid St. (Junction S. Fernando St. to Junction Muelle de la Industria)....	.....	.....	0.10
(57)	Arlegui St. ....	.....	.....	1.20
(58)	Blumentritt St. ....	.....	.....	0.75
(59)	Yeyeng St. ....	.....	.....	0.10
(60)	Vidal St. ....	.....	.....	0.10
(61)	Quezon Boulevard-Andalucia-Laong-Laan- Dimasalang Street-Rizal Avenue ....	.....	.....	3.17
(62)	Chicago St. ....	.....	.....	1.20
(63)	Nagtahan St., including Extension to Plaza Dilao ....	.....	.....	2.15
(64)	Quezon Boulevard ....	.....	.....	3.58
(65)	Manuguit St. ....	.....	.....	3.00
(66)	Arroceros St. ....	.....	.....	0.80
(67)	2nd Street ....	.....	.....	0.61

National Roads		Km. From	Km. To	Km. Length
CITY OF MANILA—Continued.				
(68)	8th Street .....	.....	.....	0.61
(69)	11th Street .....	.....	.....	0.62
(70)	12th Street .....	.....	.....	0.59
(71)	16th Street .....	.....	.....	0.55
(72)	20th Street .....	.....	.....	0.50
(73)	Boston Street .....	.....	.....	0.89
(74)	Malacañan Palace Road .....	.....	.....	1.00
(75)	Malacañan Park Road .....	.....	.....	1.67

GENERAL PROVISIONS

(a) The construction, maintenance and improvement of national roads shall be accomplished by district and city engineers under the supervision of the Director of Public Works, and shall be financed from such appropriations as may be authorized by the Commonwealth Government in annual or special appropriation acts. The Secretary of Public Works and Communications shall also allot all funds collected under the provisions of section 1495 of the Revised Administrative Code and Act No. 3992, as amended, with the exception of the twenty (20) per centum of said funds that accrue to the road and bridge funds of provinces and chartered cities, for the maintenance and improvement of national roads and whenever practicable or funds are not needed for maintenance purposes, for their construction.

(b) The construction, maintenance and improvement of provincial roads shall be accomplished by district engineers under the supervision of the Director of Public Works subject to existing laws, and shall be financed with provincial funds and such aid as may be authorized by the Commonwealth Government in annual appropriation acts.

(c) The construction, maintenance and improvement of municipal roads shall be accomplished by the Municipal Government concerned subject to existing laws, and shall be financed with municipal funds: *Provided, however,* That any municipal roads of great importance to the province may, on request of the Provincial Board and upon favorable recommendation of the Director of Public Works, be classified as a provincial road by the Secretary of Public Works and Communications.

(d) The Secretary of Public Works and Communications shall cause the Director of Public Works to prepare from time to time a map showing the proposed system of national and provincial roads, which, upon approval by the President, shall constitute the Official Road Map of the Philippines.

(e) Executive Order No. 135, dated December 31, 1937 as amended by Executive Order No. 194, dated March 13, 1939, Executive Order No. 239, dated December 16, 1939, and Executive Order No. 286, dated July 9, 1940, is hereby further revised accordingly.

This Order shall take effect as of October 1, 1940.

Done at the City of Manila, this seventeenth day of December, in the year of Our Lord, nineteen hundred and forty, and of the Commonwealth of the Philippines, the sixth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER NO. 323

REVISING FURTHER EXECUTIVE ORDER NO. 135, DATED DECEMBER 31, 1937, AS AMENDED, ESTABLISHING A CLASSIFICATION OF ROADS.

Executive Order No. 135, dated December 31, 1937, as amended, is hereby further amended, so as to include the following roads in the classification of National Roads:

National Roads	From Km.	To Km.	Length Km.
ISABELA:			
Gamu Cadre Road			1.055
TAYABAS:			
Lucena Airport Road	137.81	138.41	0.60

Done at the City of Manila this fifth day of February, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACANAN PALACE
MANILA
BY THE PRESIDENT OF THE PHILIPPINES
EXECUTIVE ORDER No. 331

REVISING FURTHER EXECUTIVE ORDER NO. 135 DATED DECEMBER 31, 1937, AS AMENDED, ESTABLISHING A CLASSIFICATION OF ROADS.

Executive Order No. 135, dated December 31, 1937, as amended, is hereby further amended so as to include the following roads in the classification of National Roads:

<i>National Roads</i>		From Km.	To Km.	Length Km.
SAMAR:				
Allen-Tinambacan-Oquendo Junction Road		82.00	142.00	60.00
MASBATE:				
Dimasalang-Cataingan-Placer Road		47.4	100.00	52.6

and to exclude therefrom the following National Roads which have been declared provincial roads:

	From Km.	To Km.	Length Km.
SAMAR:			
Allen-Catarman-Oquendo Road	82.00	206.20	124.20
MASBATE:			
Masbate-Milagros-Aroroy Road	1.53	72.63	71.10

Done at the City of Manila, this eleventh day of March, in the year of Our Lord nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 346

REVOKING EXECUTIVE ORDER, NUMBERED THREE HUNDRED AND THIRTY-ONE, DATED MARCH 11, 1941, REVISING FURTHER EXECUTIVE ORDER NUMBERED ONE HUNDRED THIRTY-FIVE, DATED DECEMBER 31, 1937, AS AMENDED, ESTABLISHING A CLASSIFICATION OF ROADS.

Executive Order No. 331, dated March 11, 1941, revising further Executive Order No. 135, dated December 31, 1937, as amended, establishing a classification of roads, is hereby revoked.

Done at the City of Baguio, this twentieth day of May, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS
Secretary to the President

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Extract from
Commonwealth Act No. 137

AN ACT TO PROVIDE FOR THE CONSERVATION, DISPOSITION AND DEVELOPMENT OF MINERAL LANDS AND MINERALS.

SEC. 79. * * *

(b) Royalties.--On all minerals extracted from, or mineral products of, mineral lands of the first, second, fourth and fifth groups as provided for in this Act--a royalty of one and one-half per centum of the actual market value of the gross output thereof; Provided, That in the case of gold mines, their annual gross output shall be subject to a royalty of one and one-half per centum when the value of the said output does not exceed five hundred thousand pesos; two per centum when the value exceeds five hundred thousand pesos but does not exceed one million pesos; two and one-half per centum when the value exceeds one million pesos but does not exceed one million five hundred thousand pesos; three per centum when the value exceeds one million five hundred thousand pesos but does not exceed two million pesos; three and three-eighths per centum when the value exceeds two million pesos but does not exceed two million five hundred thousand pesos; three and three-fourths per centum when the value exceeds two million five hundred thousand pesos but does not exceed three million pesos; four and one-eighth per centum when the value exceeds three million pesos but does not exceed three million five hundred thousand pesos; four and one-half per centum when the value exceeds three million five hundred thousand pesos but does not exceed four million pesos; four and three-fourths per centum when the value exceeds four million pesos but does not exceed four million five hundred thousand pesos; five per centum when the value exceeds

four million five hundred thousand pesos but does not exceed five million pesos; five and one-eighth per centum when the value exceeds five million pesos but does not exceed five million five hundred thousand pesos; five and one-fourth per centum when the value exceeds five million five hundred thousand pesos but does not exceed six million pesos; five and three-eighths per centum when the value exceeds six million pesos but does not exceed six million five hundred thousand pesos; and five and one-half per centum when the value exceeds six million five hundred thousand pesos; Provided, further, That the following rates of deduction from the royalties on the annual gross output of gold payable under the provisions of this section shall be allowed:

(1) Fifteen per centum in the case of lode mines producing gold from ores which average less than ten pesos, but more than seven pesos per ton;

(2) Twenty-five per centum in the case of lode mines producing gold from ores which average less than seven pesos per ton. The average value per ton of ore shall be determined by dividing the total gross output in pesos for any year by the total number of tons milled during that year for any particular lode mine.

(3) Thirty-five per centum in the case of gold placer mines.

The term "gross output" of mines or mineral lands shall be interpreted as the actual market value of mineral or mineral products, or of bullion from each mine or mineral lands operated as a separate entity without any deduction for mining, milling, refining, transporting, handling, marketing, or any other expenses. The output of any group of contiguous mining claims shall not be subdivided. All the royalties herein provided to be charged shall accrue to the general fund of the Philippine Treasury, and shall be in lieu of the ad valorem tax on the market value

of the output of mines provided to be levied and collected, under section fifteen hundred thirty-four of the Revised Administrative Code, as amended by Act Numbered Four Thousand fifty-eight. In case mining is carried on upon private lands, the royalty due on the value of the output of such mines under any and all leases granted for the purpose shall be reduced by five per centum of the amount due to the Government under the provisions of this Act, which reduction shall be paid by the lessee to the said land owner. This privilege shall not be granted to any person acquiring an option on the surface right after any mining location has been made on the mineral found therein.

SEC. 87. All mineral lands not covered by lease shall be subject to real estate tax payable at the same rate and collectible at the same time and manner and subject to the same liabilities and forfeiture, as provided for in Chapter seventeen of the Revised Administrative Code, as amended.

SEC. 88. There shall be assessed and collected an ad valorem tax of one and one-half per centum of the actual market value of the annual gross output of the minerals or mineral products extracted or produced from all mineral lands, not covered by lease: Provided, That in the case of gold mines their annual gross output shall be subject to a tax of one and one-half per centum when the value of the said output does not exceed five hundred thousand pesos; two per centum when the value exceeds five hundred thousand pesos but does not exceed one million pesos; two and one-half per centum when the value exceeds one million pesos but does not exceed one million five hundred thousand pesos; three per centum when the value exceeds one million five hundred thousand pesos but does not exceed two million pesos; three and three-eighths per centum when the value exceeds two million pesos but does not exceed two million five hundred thousand pesos; three and three-fourths per

centum when the value exceeds two million five hundred thousand pesos but does not exceed three million pesos; four and one-eighth per centum when the value exceeds three million pesos but does not exceed three million five hundred thousand pesos; four and one-half per centum when the value exceeds three million five hundred thousand pesos but does not exceed four million pesos; four and three-fourths per centum when the value exceeds four million pesos but does not exceed four million five hundred thousand pesos; five per centum when the value exceeds four million five hundred thousand pesos but does not exceed five million pesos; five and one-eighth per centum when the value exceeds five million pesos but does not exceed five million five hundred thousand pesos; five and one-fourth per centum when the value exceeds five million five hundred thousand pesos but does not exceed six million pesos; five and three-eighths per centum when the value exceeds six million pesos but does not exceed six million five hundred thousand pesos; and five and one-half per centum when the value exceeds six million five hundred thousand pesos: Provided, further, That the following rates of deduction from the taxes on the annual gross output of gold payable under the provisions of this section shall be allowed:

(1) Fifteen per centum in the case of lode mines producing gold from ores which average less than ten pesos, but more than seven pesos per ton;

(2) Twenty-five per centum in the case of lode mines producing gold from ores which average less than seven pesos per ton. The average value per ton of ore shall be determined by dividing the total gross output in pesos for any year by the total number of tons milled during that year for any particular mine;

(3) Thirty-five per centum in the case of gold placer mines.

The term "gross output" of mines or mineral lands shall be interpreted as the actual market

value of mineral or mineral products, or of bullion from each mine or mineral lands operated as a separate entity without any deduction for mining, milling, refining, transporting, handling, marketing, or any other expenses. The output of any group of contiguous mining claims shall not be subdivided.

The said ad valorem tax shall be due and payable to the Government of the Philippines through the Collector of Internal Revenue within sixty days after the shipment of the mineral or mineral products from the mines: Provided, That before any mineral or mineral product may be shipped from the mine, the Collector of Internal Revenue or his representative shall first be duly notified to that effect: Provided, further, That upon failure to pay the ad valorem tax herein levied within the time prescribed, the same penalties or liabilities as provided by existing laws for the collection of such taxes shall be imposed: Provided, finally, That the ad valorem tax herein provided to be paid and collected shall accrue to the general fund of the Philippine Treasury and shall be in lieu of any royalty or other ad valorem taxes imposed by this Act, and by section one thousand five hundred and thirty-four of the Revised Administrative Code as amended by Act Numbered Four thousand fifty-eight.

Approved, November 7, 1936.

[COMMONWEALTH ACT NO. 106]

AN ACT TO AMEND SECTION FIFTEEN HUNDRED
AND THIRTY-SIX OF ACT NUMBERED TWENTY-
SEVEN HUNDRED AND ELEVEN, AS AMENDED,
RELATING TO THE INHERITANCE TAX.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section fifteen hundred and thirty-six of Act Numbered Twenty-seven hundred and eleven, as amended by section ten of Act Numbered Twenty-eight hundred and thirty-five and section one of Act Numbered Thirty hundred and thirty-one, is hereby further amended to read as follows:

"SEC. 1536. *Conditions and rate of taxation.*—Every transmission by a decedent, whether a resident or a non-resident, by virtue of inheritance, devise, bequest, gift *mortis causa* or advance in anticipation of inheritance, devise or bequest of real property located in the Philippines and real rights in such property; of any franchise which must be exercised in the Philippines; of any shares, obligations, or bonds issued by any corporation or *sociedad anónima* organized or constituted in the Philippines in accordance with its laws; of any shares, obligations, or bonds issued by any foreign corporation the principal business of which is located in the Philippines; of any shares, obligations or bonds issued by any foreign corporation if such shares, obligations or bonds have acquired a business situs in the Philippines; of any shares or rights in any partnership, business or industry established in the Philippines or of any personal property, whether tangible or intangible, located in the Philippines shall be subject to the tax pre-

scribed in this section: *Provided, however,* That in the case of a resident decedent, the transmission of any intangible personal property, regardless of its location, is likewise subject to the tax provided for in this section.

"Every transfer made directly or indirectly by the decedent in his lifetime, in contemplation of or intended to take effect in possession or enjoyment at or after his death, except in case of a *bona fide* sale for an adequate and full consideration in money or money's worth, is likewise subject to the tax herein provided. Where within three years prior to his death, and without such prior consideration the decedent has made a transfer or transfers, by trust or otherwise, of any of his property, or an interest therein, not admitted or shown to have been made in contemplation of or intended to take effect in possession or enjoyment at or after his death, such transfer or transfers shall be deemed and held to have been made in contemplation of death within the meaning of this section.

"(a) When the surviving spouse, a legitimate, recognized natural or adopted child or legitimate descendant of any of them is the beneficiary, or either of the legitimate parents of the deceased or the father or mother who had recognized him as a natural child, and in every case where the beneficiary receives the property exclusively for educational or charitable purposes there shall be collected upon the share which corresponds to each beneficiary in the inventoried property a tax according to the following schedule:

"One *per centum* upon the first ten thousand pesos; two *per centum* upon the amount by which such share exceeds ten thousand pesos and does not exceed thirty thousand pesos; three *per centum* upon the amount by which such share exceeds thirty thousand pesos and does not exceed fifty thousand pesos; four *per centum* upon the amount by which such share exceeds fifty thousand pesos and does not exceed eighty thousand pesos; five *per centum* upon the amount by which such share exceeds eighty thousand pesos and does not exceed one hundred and ten thousand pesos; six *per cen-*

tum upon the amount by which such share exceeds one hundred and ten thousand pesos and does not exceed one hundred and fifty thousand pesos; seven *per centum* upon the amount by which such share exceeds one hundred and fifty thousand pesos and does not exceed one hundred and ninety thousand pesos; eight *per centum* upon the amount by which such share exceeds one hundred and ninety thousand pesos and does not exceed two hundred and forty thousand pesos; nine *per centum* upon the amount by which such share exceeds two hundred and forty thousand pesos and does not exceed two hundred and ninety thousand pesos; ten *per centum* upon the amount by which such share exceeds two hundred and ninety thousand pesos and does not exceed three hundred and fifty thousand pesos; eleven *per centum* upon the amount by which such share exceeds three hundred and fifty thousand pesos and does not exceed four hundred and twenty thousand pesos; twelve *per centum* upon the amount by which such share exceeds four hundred and twenty thousand pesos and does not exceed five hundred thousand pesos; thirteen *per centum* upon the amount by which such share exceeds five hundred thousand pesos and does not exceed six hundred thousand pesos; fourteen *per centum* upon the amount by which such share exceeds six hundred thousand pesos and does not exceed seven hundred and twenty thousand pesos; fifteen *per centum* upon the amount by which such share exceeds seven hundred and twenty thousand pesos and does not exceed eight hundred and fifty thousand pesos; sixteen *per centum* upon the amount by which such share exceeds eight hundred and fifty thousand pesos and does not exceed one million pesos; seventeen *per centum* upon the amount by which such share exceeds one million pesos and does not exceed one million and two hundred thousand pesos; eighteen *per centum* upon the amount by which such share exceeds one million and two hundred thousand pesos and does not exceed one million and five hundred thousand pesos; nineteen *per centum* upon the amount by which such share exceeds

one million and five hundred thousand pesos and does not exceed two million pesos; and twenty *per centum* upon the amount by which such share exceeds two million pesos.

"Where the property is received for educational or charitable purposes, it shall be the duty of the person or persons in charge thereof to submit from time to time a report of the administration and use of the property to the Collector of Internal Revenue and within twenty days after demand therefor has been made by the said Collector: *Provided*, That every person or persons entrusted with the administration and custody of such property who shall make use or dispose thereof for purposes other than as provided in a will or grant, shall be guilty of violation of the provisions hereof and punished with a fine equivalent to not more than one-half of the value of such property at the discretion of the court.

"(b) When a legitimate brother or a sister of the deceased, or any descendant not included in the next preceding paragraph, is the beneficiary there shall be collected the same tax fixed in the paragraph next preceding with an increase of one hundred *per centum*."

"(c) When other relatives not included in the two next preceding subsections are beneficiaries there shall be collected the tax fixed in subsection (a) with an increase of two hundred *per centum*.

"(d) When strangers are beneficiaries there shall be collected the tax fixed in subsection (a) with an increase of one thousand *per centum* if the amount of the inheritance does not exceed one hundred and ten thousand pesos;

"Nine hundred *per centum* if the amount of the inheritance exceeds one hundred and ten thousand pesos and does not exceed one hundred and fifty thousand pesos;

"Eight hundred *per centum* if the amount of the inheritance exceeds one hundred and fifty thousand pesos and does not exceed one hundred and ninety thousand pesos;

"Seven hundred and fifty *per centum* if the amount of the inheritance exceeds one hundred and ninety thousand pesos and does not exceed two hundred and forty thousand pesos;

"Seven hundred *per centum* if the amount of the inheritance exceeds two hundred and forty thousand pesos and does not exceed two hundred and ninety thousand pesos;

"Six hundred and fifty *per centum* if the amount of the inheritance exceeds two hundred and ninety thousand pesos and does not exceed three hundred and fifty thousand pesos;

"Six hundred *per centum* if the amount of the inheritance exceeds three hundred and fifty thousand pesos and does not exceed four hundred and twenty thousand pesos;

"Five hundred and fifty *per centum* if the amount of the inheritance exceeds four hundred and twenty thousand pesos and does not exceed five hundred thousand pesos;

"Five hundred *per centum* if the amount of the inheritance exceeds five hundred thousand pesos and does not exceed six hundred thousand pesos;

"Four hundred and fifty *per centum* if the amount of the inheritance exceeds six hundred thousand pesos and does not exceed seven hundred and twenty thousand pesos;

"Four hundred and twenty *per centum* if the amount of the inheritance exceeds seven hundred and twenty thousand pesos and does not exceed eight hundred and fifty thousand pesos;

"Four hundred *per centum* if the amount of the inheritance exceeds eight hundred and fifty thousand pesos and does not exceed one million pesos;

"Three hundred and eighty *per centum* if the amount of the inheritance exceeds one million pesos and does not exceed one million and two hundred thousand pesos;

"Three hundred and fifty *per centum* if the amount of the inheritance exceeds one million and two hundred thousand pesos and does not exceed one million and five hundred thousand pesos;

"Three hundred and twenty *per centum* if the amount of the inheritance exceeds one million and five hundred thousand pesos and does not exceed two million pesos; and

"Three hundred *per centum* if the amount of the inheritance exceeds two million pesos."

"For the purposes of this tax, strangers are deemed those relatives by consanguinity of the seventh or more remote

degree in the collateral line, and all relatives by affinity with the exception of the spouse. In cases of property which by the will of the testator should be divided among the poor, without the designation of any particular persons, or which should be disposed of for masses or other pious works, there shall be collected the tax at the rate fixed in this paragraph upon the total amount of said property.

"In case the property is transmitted to the heirs subject to the usufructuary interest, use or habitation or annuity of a third person, the tax shall be based on the value of the inventoried property less that of the usufruct, use or habitation or annuity determined as hereinafter provided."

"(e) In addition to the tax provided for in this section, there shall be collected an additional tax of five *per centum* upon the net inventoried property of the decedent in excess of five hundred thousand pesos, irrespective of the relation of the beneficiaries to the deceased."

SEC. 2. This Act shall take effect upon its approval.

Approved, October 29, 1936.

3184



[COMMONWEALTH ACT No. 112]

AN ACT AUTHORIZING THE INVESTMENT OF THE POSTAL SAVINGS BANK FUND, THE TEACHERS' RETIREMENT AND DISABILITY FUND, AND THE SAN LAZARO ESTATE FUND UNDER THE JURISDICTION AND CONTROL OF THE NATIONAL LOAN AND INVESTMENT BOARD IN ADVANCES TO THE NATIONAL GOVERNMENT FOR THE CONSTRUCTION OF TOLL BRIDGES, PROVIDING FOR THEIR PAYMENT, AND APPROPRIATING THE NECESSARY FUNDS TO COVER ANY DEFICIENCY IN THE PAYMENT OF SUCH ADVANCES.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. All provisions of law to the contrary notwithstanding, the National Loan and Investment Board is hereby authorized, upon request of the Secretary of Public Works and Communications and recommendation of the Director of Public Works, to invest the Postal Savings Bank fund, created under Act Numbered Fourteen hundred and ninety-three, and now governed by Act Numbered Twenty-seven hundred and eleven, as amended; the Teachers' Retirement and Disability Fund, created under Act Numbered Thirty hundred and fifty, as amended; and the San Lazaro Estate Fund, created under Act Numbered Twenty-four hundred and seventy-eight, as amended, in advances to the National Government for the construction of permanent bridges which shall be declared toll bridges, to be undertaken and administered pursuant to the provisions of Act Numbered Thirty-five hundred, and subject to such terms

and conditions as the National Loan and Investment Board may promulgate: *Provided*, That the interest on such advances shall be five per centum per annum: *And provided, further*, That the amount invested in such advances, together with the interest due, shall be paid from the tolls collected therefrom during the period not exceeding twenty years.

SEC. 2. The National Loan and Investment Board shall fix the minimum amount that shall be paid monthly on account of the advances made in accordance with this Act, together with interests due: *Provided*, That in case the tolls collected, after deducting the salaries of toll collectors, shall not be sufficient to pay the monthly amortization required, together with interests due, or the full amount of any of such advances upon maturity, the National Government shall make up for the deficiency, the necessary amount for which is hereby appropriated out of any fund in the Philippine Treasury not otherwise appropriated.

SEC. 3. This Act shall take effect upon its approval.

Approved, October 31, 1936.

3012



[COMMONWEALTH ACT NO. 391]

AN ACT TO FURTHER AMEND SECTION TWO OF COMMONWEALTH ACT NUMBERED SEVEN ENTITLED "AN ACT TO CREATE A NATIONAL LOAN AND INVESTMENT BOARD, DEFINING ITS POWERS, AND FOR OTHER PURPOSES," AS AMENDED BY COMMONWEALTH ACT NUMBERED ONE HUNDRED NINE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section two of Commonwealth Act Numbered Seven, as amended by Commonwealth Act Numbered One hundred nine, is further amended so as to read as follows:

"SEC. 2. The National Investment Board shall be under the Department of Finance and shall have the power to invest all existing funds, the investment of which is authorized by law, and such other funds which may hereafter be declared by law to be available for investment, more particularly the following:

"(1) The Loan Fund, created under Act Numbered Thirty-three hundred and thirty-five, as amended;

"(2) The Municipal Loan Fund, created under Act Numbered Thirty-nine hundred and thirty-two;

"(3) The Friar Lands Loan Fund, created under Act Numbered Seventeen hundred and thirty-six;

"(4) The San Lazaro Estate Loan Fund, created under Act Numbered Twenty-four hundred and seventy-eight as amended;

"(5) The Private Surveyors' Loan Fund, created under Act Numbered Thirty-three hundred and twenty-seven, as amended;

"(6) The Postal Savings Bank Fund, created under Act Numbered Fourteen hundred and ninety-three, and now governed by Act Numbered Twenty-seven hundred and eleven, as amended;

"(7) The Teachers' Retirement and Disability Fund, created under Act Numbered Thirty hundred and fifty, as amended;

"(8) The Pension and Retirement Fund of the Philippine Health Service, created under Act Numbered Thirty-one hundred and seventy-three, the investment of which is authorized by Act Numbered Thirty-three hundred and ninety-one;

"(9) The Pension and Retirement Fund of the Philippine Constabulary, created under Act Numbered Twenty-seven hundred and eleven, as amended;

"(10) The Land Title Assurance Fund, created under Act Numbered Four hundred and ninety-six;

"(11) The Agricultural Coöperative Fund, created under Act Numbered Twenty-eight hundred and eighteen, as amended; and

"(12) The Property Insurance Fund, created under the Administrative Code, as amended.

"In connection with the investment of such funds, the National Investment Board shall have power to enter into contracts; to discount notes, securities, and other obligations; to execute and foreclose mortgages; to authorize the payment of brokerage fees to licensed brokers for the sale of assets acquired; to authorize a committee or committees composed of members of the board, or its chairman, to perform in its behalf, place and stead, subject to such restrictions or limitations as the Board may impose, any of the powers and duties hereinabove specified; to sue and be sued, and perform such other acts as may be required to accomplish the purpose of this Act.

"The National Investment Board is authorized to issue rules and regulations, subject to the approval of the Secretary of Finance, governing the exercise by the Board of its powers and duties, the investment of the funds under

its jurisdiction and control and such other matters as may be necessary for the proper functioning of the Board. The investment of these funds shall be subject to the conditions and limitations prescribed in the respective laws creating them; except as otherwise provided herein: *Provided*, That the total amount of investments in discounting notes, securities and other obligations authorized herein from any of the funds enumerated above, shall not exceed twenty *per centum* of such fund, and the transactions of the Board shall be subject to the inspection of the Bank Commissioner of the Philippines, free of charge, and the Bank Commissioner shall make a report to the Secretary of Finance of the result of his inspection, together with such recommendation as the said Commissioner may deem proper to make."

SEC. 2. Whenever the term National Loan and Investment Board is used in Commonwealth Act Numbered Seven, as amended, the same shall hereafter be read as National Investment Board.

SEC. 3. This Act shall take effect upon its approval.

Approved, September 5, 1938.

22268



[COMMONWEALTH ACT No. 403]

AN ACT TO CREATE A REVOLVING LOAN FUND OF
TEN MILLION PESOS FOR THE CONSTRUCTION
OF PERMANENT PUBLIC MARKETS AND
SLAUGHTERHOUSES AND WATERWORKS IN
THE PHILIPPINES.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The sum of ten million pesos is appropriated out of the proceeds of the coconut oil excise tax to constitute a revolving loan fund which, together with its future accretions derived from its operating income shall be invested in loans to provinces, municipalities, and chartered cities for the construction of permanent public markets, slaughterhouses, and waterworks, including expenses for preliminary surveys and investigations, the acquisition of necessary sites or rights-of-way and the purchase of water meters.

The administration and investment of this fund shall be vested in the National Loan and Investment Board created under Commonwealth Act Numbered Seven.

SEC. 2. There is created a National Markets and Waterworks Board composed of the Secretary of Public Works and Communications, as Chairman, and the Secretary of the Interior and the Secretary of Finance, as members. It shall be the duty and within the power of this Board:

(a) To determine the advisability of the construction of projects to be financed from the fund herein created;

(b) To authorize provinces, municipalities, and chartered cities to contract loans from the fund herein created,

said loans to be taken from time to time in such amounts as may be needed for projects, the construction of which are duly approved by the National Markets and Waterworks Board, including amounts for preliminary surveys and investigations, for the acquisition of sites and the purchase of water meters;

(c) To issue such rules and regulations as may be necessary for the accomplishment of the purposes of this Act and for the proper administration and operation of the projects constructed in accordance with the provisions hereof;

(d) To fix a schedule of rates for services furnished by the waterworks, which rates shall not be subject to revision by the Public Service Commission; and

(e) To prescribe, with the concurrence of the National Loan and Investment Board and subject to the approval of the President of the Philippines, such conditions as may reasonably insure the reimbursement of the cost of construction of the projects herein authorized within a period of forty years, with interest of four *per centum per annum*.

SEC. 3. The total investment on any projects constructed under the provisions of this Act, together with interest at the rate of four *per centum per annum* on the unpaid balance thereof, shall be reimbursable out of the net income from the operation of such markets, slaughterhouses or waterworks as the case may be. In case the net income is not sufficient to cover the annual reimbursement and interest, the deficiency shall be covered from the regular income of the province, municipality, or city concerned. The expenses for preliminary surveys and investigations of projects which are eventually abandoned will be borne by the province, municipality, or city concerned.

SEC. 4. It shall be the duty of the Director of Public Works to make an examination of streams, springs, lakes, or other possible sources of supply for waterworks to be constructed under this Act and to make surveys and investigations requested by any province, city, municipality,

or municipal district for the purpose of determining the feasibility of carrying out any project for the construction of waterworks, public markets, and slaughterhouses, and make his recommendation to the Board herein created.

SEC. 5. The construction of any project financed from the fund provided for in this Act shall be under the supervision of the Director of Public Works and shall be carried out in accordance with Article III of Chapter fifty-one of the Administrative Code and other pertinent provisions of law.

SEC. 6. The amounts borrowed for any project authorized by the National Markets and Waterworks Board shall be accounted for by the provincial treasurer as a trust fund. The said official shall keep an account in accordance with existing auditing rules and regulations of the expenses incurred for such project, and after the completion thereof shall certify the total expenses incurred to the National Markets and Waterworks Board and the National Loan and Investment Board.

SEC. 7. The administration, operation, and maintenance of markets and slaughterhouses constructed under this Act shall be in accordance with existing rules and regulations governing markets and slaughterhouses generally, unless the National Markets and Waterworks Board decides otherwise.

SEC. 8. Except as provided in section twelve hereof, the district engineer of the province concerned shall be directly in charge of the administration, operation, and maintenance of waterworks financed under the provisions of this Act subject to such regulations as may be promulgated by the National Markets and Waterworks Board. Appointments to positions authorized by the National Markets and Waterworks Board shall, in the case of waterworks, except in the case of the collectors, be made by the Director of Public Works with the approval of the Secretary of Public Works and Communications; and in the case of the markets or slaughterhouses, in accordance with existing laws governing such municipal activities.

SEC. 9. The provincial, city, or municipal treasurer, as the case may be, of the province, city, or municipality for which any project financed from this fund is constructed, or in the case of a waterworks serving more than one municipality, the provincial treasurer shall be in charge of the collection of all charges and fees, and shall monthly or as may be required by the National Markets and Waterworks Board submit to it a report showing the income from the operation of the project.

SEC. 10. All expenses in connection with the administration, operation, and maintenance of markets, slaughterhouses, or waterworks constructed under this Act shall be paid from the income from the operation thereof. However, if the income is not sufficient to cover said expenses, the deficiency shall be covered from the regular income of the province, city or municipality concerned.

SEC. 11. The net income from operation of any of the projects financed under the provisions of this Act shall, promptly at the close of the calendar year, be turned over by the provincial, city, or municipal treasurer concerned to the National Loan and Investment Board to be applied as reimbursement of the sum or sums invested from the revolving loan fund herein created, including interest. Any deficiency in the annual reimbursement and interest shall be covered from the regular income of the province, city or municipality concerned. However, the province, city, or municipality concerned may, at any time after construction work is completed, reimburse totally or partially from local funds the funds invested by the National Government.

The annual reimbursements and interest so paid shall form part of the revolving loan fund herein created and shall be available for investment as herein provided and, subject to the provisions of this Act, for the reconstruction or improvement of existing markets or slaughterhouses or waterworks.

SEC. 12. When the cost of any project constructed from funds provided in this Act, including the interest, is totally

reimbursed, the National Markets and Waterworks Board shall so certify to the President of the Philippines, who, by means of an executive order, shall turn over the market or slaughterhouse or waterworks to the province, city, or municipality concerned, for administration, maintenance, and operation in accordance with the rules and regulations governing similar projects financed by the local governments.

SEC. 13. Commonwealth Acts Numbered One hundred twenty-five and Two hundred sixteen are repealed and the sum of two million pesos appropriated under Commonwealth Act Numbered One hundred twenty-five shall revert to the Philippine Treasury: *Provided, however,* That so much of said appropriation as have already been allotted and approved for release under said Act shall be considered as part of and consolidated with the fund herein created, to be accounted for in the same manner as herein prescribed.

SEC. 14. The President of the Philippines is authorized to suspend or otherwise stop the expenditure of this fund whenever in his opinion, the public interest so requires.

SEC. 15. This Act shall take effect upon its approval.

Approved, September 13, 1938.

22124

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[COMMONWEALTH ACT No. 459]

AN ACT CREATING THE AGRICULTURAL AND INDUSTRIAL BANK

Be it enacted by the National Assembly of the Philippines:

CHAPTER 1. *Establishment and Functions, Name, Domicile, and Duration*

SECTION 1. There is created a bank to be known as the Agricultural and Industrial Bank of the Philippines, the short name of which shall be the Agricultural and Industrial Bank, which shall have its principal place of business in the City of Manila and shall exist for a period of fifty years.

SEC. 2. The Bank shall begin to operate within one hundred and eighty days from the date of the approval of this Act, and the President of the Philippines shall fix such date by proclamation upon certification of the Auditor General and the General Manager of the Bank that it is ready to begin operations.

CORPORATE POWERS

SEC. 3. The said Agricultural and Industrial Bank shall be a body corporate and shall have power:

- (a) To grant agricultural loans;
- (b) To grant industrial loans;
- (c) To grant real estate loans;
- (d) To establish and operate bonded warehouses;
- (e) To subscribe for, underwrite, purchase or guarantee bonds issued by agricultural or industrial concerns, or bonds secured by real estate used for commercial purposes;

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(f) To carry on the business of a trust corporation and to manage and administer the funds and properties now entrusted to the National Investment Board;

(g) To issue bonds, subject to the requirements provided in this Act;

(h) To accept savings and time deposits;

(i) To make by-laws; adopt and use a corporate seal; to buy, hold, transfer, sell, let, lease, mortgage, encumber, and otherwise trade in agricultural and urban real properties and industrial bonds as its aims and the transactions of its business may reasonably and necessarily require; to contract any obligation or enter into any agreement essential to the proper management of its corporate matters and to carry out its aims and purposes; to execute and foreclose mortgages, pledges, and other contracts; to appoint and dismiss its officers and employees, unless otherwise provided for by this Law and to fix adequate compensation for said officers and employees; to sue and be sued, to have the power of succession, and to exercise such powers as may be reasonably necessary to carry on the business for which it has been created.

CAPITAL AND SHARES

SEC. 4. The capital stock of the Agricultural and Industrial Bank, which shall be exclusively and fully subscribed by the Government of the Philippines, shall be one hundred fifty million pesos, Philippine currency, divided into one hundred fifty thousand shares of the value at par of one thousand pesos, Philippine currency, each.

SEC. 5. The power of voting all the shares of the Agricultural and Industrial Bank held by the Government of the Philippines is vested in the President of the Philippines or in such person or persons as he may, from time to time designate.

SEC. 6. Out of the proceeds of the excise tax on oil, there is appropriated the sum of one hundred and fifty million pesos not otherwise appropriated. The subscription by the

Government of the Philippines to the capital stock of the Agricultural and Industrial Bank shall be paid as follows: twenty-five million pesos upon subscription, and the remainder, upon call of the Board of Directors and upon certification by the Secretary of Finance, with the approval of the President of the Philippines, that funds are available in the Treasury of the Philippines for that purpose. Calls for payment of subscription shall not exceed the sum of fifteen million pesos in any year.

LOANS

SEC. 7. The Agricultural and Industrial Bank is authorized to grant agricultural loans secured by real estate mortgages. In no case shall such loans exceed sixty *per centum* of the appraised value of the securities, which securities shall include the value of all improvements and other assets acquired with the proceeds of such loans. The maturity dates of said agricultural loans and mortgages shall in no case be less than one year from the date thereof nor in excess of thirty years from such date. Said loans may be made payable at one time or in installments.

SEC. 8. The Agricultural and Industrial Bank is also authorized to grant loans for the promotion of industry upon the security of a mortgage of, or deed of trust on, the assets of an industrial establishment, and in no case shall such loans exceed sixty *per centum* of the market value of the securities, which securities shall include all improvements and other assets acquired with the proceeds of such loans. The maturity dates of said industrial loans and mortgages or deeds of trust shall not be less than one year from the date thereof. The mortgages or deeds of trust may be made payable at one time or in installments.

SEC. 9. Applications for agricultural and industrial loans shall be made in writing and under oath. Said applications shall contain, among other things:

(a) A detailed description of the real estate or assets of the industrial establishment;

(b) An appraisal of the real estate or assets of the industrial establishment at their reasonable market value;

(c) A full statement of the purposes for which the loan is desired.

It shall be unlawful to use the proceeds of the said loans, or any part thereof, for any purpose or purposes except those set out in said applications. In addition to the corresponding criminal liability, any violation of this clause shall be sufficient cause for the rescission of the contract and the foreclosure of the mortgage.

TRANSFER OF THE FUNCTIONS OF THE NATIONAL INVESTMENT BOARD

SEC. 10. All the powers vested in, and the duties conferred upon, the National Investment Board by Commonwealth Act Numbered Seven, as amended, and by other laws, the funds and properties heretofore placed under the administration of said Board by said Acts, and its assets, accounts, contracts, and choses in action, are transferred to the Agricultural and Industrial Bank, which shall exercise said powers and duties in accordance with said Acts, except as hereinafter provided, and shall administer, dispose of, handle, or execute said funds, properties, assets, accounts, contracts, or agreements, and choses in action in the manner the Agricultural and Industrial Bank may determine in the interest of the funds concerned, and the Agricultural and Industrial Bank shall assume all the liabilities of the National Investment Board in behalf, or as trustee, of said funds.

SEC. 11. The National Investment Board shall stand abolished on the date when the Agricultural and Industrial Bank shall begin its operations.

TRUST FUNCTIONS

SEC. 12. The Agricultural and Industrial Bank shall have power to act as trustee on any mortgage or bond issued by any municipality, body politic, or corporation, and to accept and execute any other municipal or corporate trust not inconsistent with law.

BONDS

SEC. 13. The Agricultural and Industrial Bank is authorized to issue real estate bonds of the face value of not less than twenty-five pesos in any sum not to exceed ninety *per centum* of the amount of real estate loans held by said Bank under section seven of this Act.

SEC. 14. The real estate securities against which the real estate bonds are issued as provided herein shall be deposited with the Treasurer of the Philippines, and each of said bonds when issued shall bear on its face a certificate of the Treasurer of the Philippines in words and figures as follows:

"I certify that there are on deposit in the Treasury of the Philippines first mortgage real estate securities in the sum of one hundred eleven and one-ninth per centum covering farm land of an appraised value of one hundred eighty-five and five-twenty-sevenths per centum of the face value of this bond; which said real estate securities, or other first mortgage real estate farm securities of equal value, or the proceeds thereof are to be held by me as security, additional to the promise of the Agricultural and Industrial Bank of the Philippines for the prompt payment of this bond, principal and interest.

Treasurer of the Philippines"

SEC. 15. Changes in this Act or in other laws of the Philippines which may hereafter be made shall not in any manner affect the real estate bonds issued hereunder which may be outstanding at the time of such change or changes, nor shall any such change or changes affect the rights of any holder or holders thereof.

SEC. 16. With the approval of the President of the Philippines, the Agricultural and Industrial Bank is authorized to issue debenture bonds of the face value of not less than twenty-five pesos in any sum not to exceed the full amount of its capital. Principal and interest of said debenture bonds may be guaranteed by the Government of the Philippines.

SEC. 17. Said real estate and debenture bonds shall be engraved, signed by the General Manager of the Agricultural and Industrial Bank, and authenticated by the Auditor-General, and shall bind the Agricultural and Industrial Bank to pay to the bearer thereof on the date therein named, unless sooner redeemed in accordance with the provisions of this Act, the principal sum mentioned in said bond, with interest payable semi-annually at such rate as the Agricultural and Industrial Bank may fix. Said bonds shall be payable in Manila except as hereinafter provided, both as to principal and interest, in lawful money of the Philippines.

SEC. 18. Bonds issued in accordance with this Act shall be received by the Insurance Commissioner as securities of insurance companies under the Insurance Act, and by way of security in all customs and internal-revenue transactions where security is required, and in all other cases where, by statute, security may be required in dealings with the Government.

SEC. 19. Said bonds shall be exempt from all taxes levied or assessed by the Government of the Philippines, or any branch or subdivision thereof.

SEC. 20. The real estate bonds and debentures shall be issued in such amounts and forms, at such times and for such periods as may be expressly provided by resolution of the Board of Directors of the Agricultural and Industrial Bank and approved by the President of the Philippines. Said bonds shall be redeemable at par on or before the date of their maturity and shall contain a provision to the effect that they are subject to redemption by lot at such a date as the Agricultural and Industrial Bank may designate. Such of the bonds so chosen by lot for redemption as have not been outstanding for at least three-fourths of the period for which issued shall be retired with a premium of five *per centum* of the par value thereof. The bonds so chosen for redemption shall cease to bear interest beginning with the date set for their withdrawal, and the aforesaid selection by lot shall take place at least one hundred days before the date of the withdrawal. The serial numbers of the

bonds so selected shall be published once a week for a period of not less than three months in two daily newspapers of general circulation in the Philippines.

SEC. 21. The Board of Directors may, at the request of the holder, authorize the payment of interest on any bond at the branches or agencies of the Agricultural and Industrial Bank in the municipalities of the Philippines or in the United States.

SEC. 22. The Agricultural and Industrial Bank is authorized to guarantee both as to principal and interest, or either, bonds issued by duly incorporated companies for agricultural, industrial, or commercial purposes. The guarantee by the Agricultural and Industrial Bank on any bond authorized herein shall be lawful only when approved by the President of the Philippines.

UNDERWRITING

SEC. 23. The Agricultural and Industrial Bank is authorized to act as business agents for other banks; to take charge of raising national and local loans secured by bonds, general debentures, and shares; to receive subscriptions thereto; to disburse principal and interest or dividends thereof; and also to underwrite bonds of other companies.

SAVINGS AND FIXED DEPOSITS

SEC. 24. The Agricultural and Industrial Bank is authorized to receive savings and time deposits. The deposits received by the Agricultural and Industrial Bank may be loaned or invested only as follows:

(a) Loans secured by mortgage or deed of trust to the Bank of unencumbered improved real estate in cities and municipalities, or by mortgage or deed of trust to the Bank of actually cultivated and improved agricultural lands. The amount loaned shall not exceed sixty *per centum* of the appraised value of the real estate including the value of the insured improvements thereon which is security for the loan. In determining the amount to be loaned upon a given parcel of real estate careful consideration shall be given to the prices at which surrounding property has been

sold, the assessed value of the property offered as security, and the revenue-producing capacity of such property.

(b) Bonds or evidences of debt, or loans secured by such bonds or evidences of debt of the Government of the United States or of the Philippines or of any province, city, or municipality in the Philippines authorized by law to issue bonds; and bonds or evidences of debt, or loans secured by such bonds or evidences of debt, of any person, firm, company, corporation, or other entity guaranteed both as to principal and interest by the Government of the Philippines, or by the Government of the United States. Any loan made upon the security of such bonds or evidences of debt shall not exceed the face value of such bonds or evidences of debt, or the market value thereof, whichever may be the smaller;

(c) Loans with first mortgages transferred to the Agricultural and Industrial Bank as collateral security on improved and otherwise unencumbered real estate in cities and municipalities in the Philippines. The mortgages shall not exceed sixty *per centum* of the appraised value of the real estate and insured improvements which secure such mortgage;

(d) Collateral trust bonds or notes or obligations secured by such bonds or notes secured by a first mortgage or by a participating interest in a first mortgage upon improved urban real estate in cities and municipalities of the Philippines: *Provided*, That such bonds and notes shall have been outstanding for at least three years prior to their purchase by the Agricultural and Industrial Bank: *And provided*, That during the period, the earnings of the property mortgaged and available for paying interest have been equal to at least two hundred *per centum* of the annual interest payable on account of all first mortgage obligations outstanding. No such bonds or notes or obligations secured thereby shall be purchased if the aggregate of first mortgage obligations outstanding against the property exceeds sixty *per centum* of the appraised value thereof.

SPECIAL SECURITY FOR LOANS

SEC. 25. Except as specially otherwise provided in this Act, real property without Torrens title may be received as security, if it is shown to the satisfaction of the Bank that the debtor is the same who has the possession of the land as owner, and that this possession, together with those of his predecessors, has been continuous and uninterrupted during the last ten years, that he has cleared, bettered, or improved the land during that time, and that the real estate tax has been paid by him and by his predecessors during the said time.

SECURITIES FOR LOANS NOT SUBJECT TO ATTACHMENT

SEC. 26. Securities on loans granted by the Agricultural and Industrial Bank shall not be subject to attachment nor can they be included in the property of insolvent persons or institutions, unless all debts and obligations of the debtor to the Agricultural and Industrial Bank have been previously paid, including accrued interest, collection expenses, and other charges.

LIMITATION OF LIABILITIES TO THE BANK

SEC. 27. The total liabilities to the Agricultural and Industrial Bank of any person, company, corporation or firm for money borrowed, shall at no time exceed fifteen *per centum* of the unimpaired capital and surplus of said Bank, except in the case of the instrumentalities of the Government of the Philippines.

ADDITIONAL SECURITIES—DISPOSAL OF SAME—ADVANCED MATURITY OF CREDITS

SEC. 28. If, from any cause whatsoever, any of the securities specified for the loans or advances provided for in this Act or accepted by the Agricultural and Industrial Bank as security for loans or advances decline or depreciate in market value in part or as a whole, or if said securities are insufficient, or if the loans have become or are un-

secured, or on nonperformance of any promise made to secure the loan, the said Bank may demand additional securities, and if the debtor fails to submit such additional securities, may forthwith declare any such obligation due and payable and upon three days' notice, demand, sell, assign, transfer, and deliver the whole of said securities or any part thereof, or any substitutes therefor, or any addition thereto, or any other securities or property given unto or left in the possession of, or hereafter given unto or left in the possession of the said Bank, or in any bank or corporation controlled by the Government, or in any of its branches, agencies, and instrumentalities, for safe-keeping or otherwise, at any broker's board or at public or private sale, at the option of said Bank: *Provided, however,* That if the securities consist of a real estate mortgage, the sale of the said securities shall be made after a judicial foreclosure of the mortgage or following the procedure provided for in Act Numbered Three thousand one hundred thirty-five, as amended.

SEC. 29. In case of sale for any cause, after deducting all costs or expenses of any kind for collection, sale, or delivery, the Agricultural and Industrial Bank may apply the residue of the proceeds of the sale so made, to pay one or more or any of the said liabilities to the said Bank, as its General Manager shall deem proper, whether then due or not, granting proper rebate for interest on liabilities not then due. If the proceeds of the sale do not cover the full amount of the loan, together with the interest and other charges thereon, the Agricultural and Industrial Bank may proceed against the debtor for the difference, but any amount exceeding the full indebtedness to the Bank shall be delivered to the debtor.

EXTRAJUDICIAL FORECLOSURE OF REAL ESTATE MORTGAGE

SEC. 30. When the securities given to the Agricultural and Industrial Bank consist of a real estate mortgage, the sale of said securities may be made in accordance with Act Numbered Three thousand one hundred thirty-five, as amended, without publishing the notice of sale in the news-

papers if the assessed value of the property does not exceed one thousand pesos, and publishing same in the Official Gazette if it exceeds said sum, and sending in any case the notice of sale to the debtor and the treasurer of the city or municipality where the property is located, by registered mail. If the highest bidder in the sale is a person other than the creditor, the official conducting the sale may charge a commission on the money which passes through his hands at the rate fixed in such cases for the sheriff.

REDEMPTION OF REAL PROPERTY

SEC. 31. The mortgagor or debtor to the Agricultural and Industrial Bank, whose real property has been sold at public auction, judicially or extra-judicially, for the full or partial payment of an obligation to said Bank, shall, within one year from the date of the auction sale, have the right to redeem the real property by paying to the Bank all the amount he owed the latter on the date of the sale, with interest on the total indebtedness at the rate agreed upon in the obligation from said date, unless the bidder has taken material possession of the property or unless this has been delivered to him, in which case the proceeds of the property shall compensate the interest. If the Agricultural and Industrial Bank was not the highest bidder at the auction sale, the Bank shall, in case of redemption, return to the bidder the amount it received from him as a result of the auction sale with the corresponding interest paid by the debtor.

HOLDING OF REAL ESTATE

SEC. 32. The Agricultural and Industrial Bank is authorized to the extent of ten per centum of its paid-up capital to purchase and own such real estate as may be necessary for the purpose of carrying on its business. It is also authorized to hold such real estate as it may find necessary to acquire in the collection of debts due to the said Bank or to its branches and agencies; but real estate acquired in the collection of debts shall be sold by the said Agricultural and Industrial Bank within five years after the date on

which ownership of the real estate thus acquired is vested in the Agricultural and Industrial Bank.

DEPOSIT RESERVE

SEC. 33. The Agricultural and Industrial Bank shall, at all times, keep on deposit the reserve required by existing laws.

DIVIDENDS AND DISPOSAL OF PROFITS

SEC. 34. The Agricultural and Industrial Bank shall not, during the time it shall continue its banking operations, withdraw or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its capital. If losses have been sustained by the Bank equal to or exceeding the undivided profits on hand, no dividend shall be declared; and no dividend shall ever be declared by the Bank in an amount greater than its net profits on hand, deducting therefrom its losses and bad debts. All debts due to the Bank, on which interest is past due and unpaid for a period of six months, unless the same are well secured, and in process of collection, shall be considered bad debts within the meaning of this section.

SEC. 35. After deduction of the administrative expenses, and after making such provisions as the Board of Directors thinks proper for bad and doubtful debts, depreciation in assets, pension funds, or retiring allowance for the staff and all such other matters as are usually provided for by banks, the net profits or gains resulting from the operations of the Agricultural and Industrial Bank shall be apportioned semi-annually as follows:

(a) For the creation and maintenance of a reserve, a sum equal to fifty *per centum* of the net profits.

(b) The remaining fifty *per centum* shall be paid to the Government of the Philippines in the form of dividends. The dividends so paid shall not exceed in any calendar year twelve *per centum* of the paid up capital, and in case there is a surplus after the necessary provision has been made for the reserve and dividend above mentioned, such surplus shall be transferred to the account of undivided profits.

CHAPTER II. *Officers and Employees*

BOARD OF DIRECTORS

SEC. 36. The affairs and business of the Agricultural and Industrial Bank shall be directed and its property managed and preserved, unless otherwise provided in this Act, by a Board of Directors consisting of seven members to be appointed by the President of the Philippines, with the consent of the Commission on Appointments of the National Assembly. If they are not officers or employees of the Government receiving a fixed compensation or salary from public funds, they shall be paid a *per diem* in no case to exceed twenty-five pesos for each session of the said Board of Directors attended by them.

SEC. 37. No director or employee of any private bank shall be eligible as member of the Board of Directors of the Agricultural and Industrial Bank.

SEC. 38. Within the first twenty days after the approval of this Act, and annually on the first Tuesday after the first Monday of March, beginning with the year nineteen hundred and forty, the President of the Philippines shall appoint the members of the Board of Directors. Immediately after their appointment, the Directors shall organize as such and elect from among themselves a Chairman and a Vice-Chairman. The latter shall assist the Chairman and act in his stead in the case of his absence or incapacity.

DUTIES AND POWERS OF THE BOARD OF DIRECTORS

SEC. 39. The Board of Directors shall have the following powers and duties:

(a) To fix, from time to time, the rate of interest to be charged by said Agricultural and Industrial Bank and have the same published in the central office;

(b) To fix different rates of interest on loans in accordance with the different classes of securities herein specified;

(c) To establish branches and agencies of the Bank in the provincial capitals and in those municipalities in which, in their judgment, industrial or agricultural needs may require it;

(d) To provide adequate personnel so as to determine promptly and at the least expense possible to the borrower the validity and sufficiency of the securities offered to guaranty the payment of the loans applied for.

SEC. 40. The branches and agencies of the Agricultural and Industrial Bank shall be authorized to exercise the powers conferred upon them by the Board of Directors and shall submit detailed reports of their operations as may be required by the central office at Manila.

SEC. 41. The officers, agents, and employees of said branches and agencies shall be appointed and may be removed in accordance with the provisions of sections forty-seven and forty-eight of this Act.

SEC. 42. With the authorization of the proper Department Secretary first had, the Board of Directors may appoint as agents, cashiers, or tellers of said Agricultural and Industrial Bank the provincial or municipal treasurers, who shall receive such additional compensation as the Agricultural and Industrial Bank may determine, and shall be removable from office, not only as such agents, cashiers, or tellers, but also as such provincial and municipal treasurers by the President of the Philippines for violation of the provisions of this Act or of the by-laws of the Agricultural and Industrial Bank, or of any instruction received by them from said Bank.

GENERAL MANAGER AND ASSISTANT GENERAL MANAGERS

SEC. 43. The orders and resolutions of the Board of Directors shall be carried out by a General Manager, who shall be the chief executive of the Agricultural and Industrial Bank, and one or more Assistant General Managers, who shall assist the General Manager. Said officers shall be paid salaries to be fixed by the Board of Directors with the approval of the President of the Philippines. In the event of the absence of the General Manager or of his incapacity to act, the Board of Directors shall designate the Assistant General Manager who shall take his place. The General Manager and the Assistant General Managers shall be appointed by the Board of Directors, with the approval

of the President of the Philippines, and may be removed in like manner.

DUTIES AND POWERS OF THE GENERAL MANAGER

SEC. 44. The General Manager of the Bank shall, among others, have the following powers and duties:

(a) To grant long term loans for agricultural or industrial purposes for periods of time not to exceed five years and in sums not exceeding fifty thousand pesos to any one person, company, corporation, or firm, but he is required to submit a report on each loan to the Board of Directors at its next succeeding session;

(b) To make, with the advice and consent of the Board of Directors, all contracts on behalf of the said Agricultural and Industrial Bank and to incur all necessary obligations by this Act required or permitted;

(c) To report weekly to the Board of Directors the main facts concerning the operations of the Agricultural and Industrial Bank during the preceding week and to suggest changes in rates of interest or of policy which may to him seem best;

(d) To furnish, upon request of the President of the Philippines, or the Secretary of Finance, any information in his possession regarding the operations of said Agricultural and Industrial Bank.

AUDITOR

SEC. 45. The Auditor-General shall be *ex-officio* auditor of the Agricultural and Industrial Bank and shall appoint and fix the salary of a representative who shall be the auditor in charge of the auditing office of the Agricultural and Industrial Bank. The Auditor-General shall, upon the recommendation of the Auditor of the Agricultural and Industrial Bank, appoint and fix the salaries of or remove the personnel of the Auditing Office. The operating expenses of the Auditing Office and the salaries and traveling expenses of the officers and employees thereof shall be payable by the Agricultural and Industrial Bank, and

the Board of Directors shall make the necessary appropriation therefor. The representative of the Auditor-General shall make a quarterly report on the condition of the Bank to the President of the Philippines, through the Secretary of Finance, to the Speaker of the National Assembly, to the Auditor-General and to the Board of Directors of said Bank. The report shall contain, among other things, a statement of the resources and liabilities, including earnings and expenses, the amount of capital stock, dividends paid, surplus, reserve, and undivided profits, as well as the losses, bad debts, and suspended and overdue paper carried in the Bank's assets as of the date on which the statements are compiled.

LEGAL COUNSEL

SEC. 46. The Secretary of Justice shall be *ex-officio* attorney for said Agricultural and Industrial Bank and may, whenever he may deem it proper, in specific cases delegate his duties to the Solicitor-General, the Fiscal of the City of Manila, or any provincial fiscal. The Board of Directors of said Bank, with the approval of the Secretary of Justice, shall have power to employ such additional attorneys as may be necessary.

OTHER OFFICERS AND EMPLOYEES

SEC. 47. All the other officers and employees of the Agricultural and Industrial Bank shall be appointed and removed by the Board of Directors, on recommendation of the General Manager.

SEC. 48. Said officers and employees shall not be subject to the Civil Service Law, and their duties and compensation shall be fixed by the General Manager, with the approval of the Board of Directors.

FIDELITY INSURANCE OF OFFICERS AND EMPLOYEES

SEC. 49. The officers and employees of the Agricultural and Industrial Bank, including those of its branches and agencies, whose duties require the custody of funds or property for which they are accountable, shall be bonded

and their fidelity insured in accordance with the provisions of the Public Bonding Law.

LIFE INSURANCE OF OFFICERS AND EMPLOYEES

SEC. 50. The regular and permanent officers and employees of the Agricultural and Industrial Bank and of its branches and agencies in the Philippines shall be regular members of the Government Insurance System.

EXAMINATION OF THE BANK

SEC. 51. The Bank Commissioner shall exercise supervisory powers over the Agricultural and Industrial Bank in accordance with the provisions of the Administrative Code.

CONFIDENTIAL INFORMATION

SEC. 52. The Auditor-General and the other officers designated by him or by the President to inspect or investigate the condition of the Agricultural and Industrial Bank, shall not reveal to any person other than the President, the Secretary of Finance, and the Board of Directors the details of such inspection or investigation, nor shall they give any information relative to the funds or properties in its custody belonging to private individuals, corporations, or any other entity, except by order of a court of competent jurisdiction.

CHAPTER III.—*Prohibition and Penalties*

SEC. 53. No officer or employee of the Agricultural and Industrial Bank nor any Government official who may exercise executive or supervisory authority over the said Bank, either directly or indirectly, for himself or as the representative or agent of others, shall borrow money from the Bank, nor shall he become a guarantor, indorser, or surety for loans from the said Bank to others, or in any manner be an obligor for moneys borrowed of the said Bank or loaned by it. Any such officer or employee who knowingly violates the provisions of this section shall immediately be removed by competent authority and said officer or employee shall be punished by imprisonment not

exceeding five years and by a fine of not less than one thousand nor more than five thousand pesos.

SEC. 54. No loan shall be granted by the Agricultural and Industrial Bank to a corporation, partnership, or company wherein any member of its Board of Directors is a shareholder, agent or employee in any manner, except by the unanimous vote of the members of the Board, excluding the member interested. The total liabilities to the Agricultural and Industrial Bank of any corporation wherein any of the members of the Board of Directors is a shareholder, agent, or employee in any manner, shall at no time exceed five *per centum* of the paid-up capital of the Bank. Any director of the Agricultural and Industrial Bank who knowingly violates the provisions of this section shall immediately be removed by the President of the Philippines and he shall, furthermore, be punished as provided in the next preceding section.

SEC. 55. No fee, commission, gift, or charge of any kind shall be exacted, demanded, or paid, for obtaining loans from the Agricultural and Industrial Bank and any officer, employee, or agent of the Agricultural and Industrial Bank exacting, demanding, or receiving any fee for service in obtaining a loan, shall be punished by a fine of not less than one hundred nor more than six thousand pesos or imprisonment for not less than one month nor more than three years, or both, at the discretion of the court.

SEC. 56. Anyone who, for the purpose of obtaining, renewing, or increasing a loan or the extension of the period thereof in his own or another's behalf, should give out any false information or cause through his intrigues or machinations the existence and production of any false information with regard to the identity, situation, production, or value of the security, or with regard to a point which would affect the granting or denial of the loan, whether the latter has been consummated or not, and every officer or employee of the Agricultural and Industrial Bank, who, through connivance or negligence, should allow by action or omission such false information to pass unnoticed, thereby caus-

ing damage to the Bank or exposing the latter to the danger of suffering such damage, shall be punished with imprisonment for not less than three months nor more than three years, and a fine not less than the amount of the loan obtained or desired nor more than three times such amount.

SEC. 57. Any officer or employee of the Agricultural and Industrial Bank who knowingly violates, or permits any of the officers, agents, or servants of said Bank or any other person to violate any of the provisions of this Act not specially punished in the preceding sections, and any person violating any provision of this Act or aiding and abetting the violation thereof, shall be punished with a fine not to exceed ten thousand pesos or with imprisonment not to exceed five years, or both, at the discretion of the court.

SEC. 58. This Act shall take effect upon its approval.

Approved, June 9, 1939.



[COMMONWEALTH ACT No. 554]

AN ACT TO LIQUIDATE THE MUNICIPAL LOAN
FUND, THE PRIVATE SURVEYORS' LOAN FUND,
AND THE FRIAR LANDS LOAN FUND.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The Municipal Loan Fund, created under Act Numbered Thirty-nine hundred and thirty-two, the Private Surveyors' Loan Fund, created under Act Numbered Thirty-three hundred and twenty-seven, as amended, and the Friar Lands Loan Fund, created under Act Numbered Seventeen hundred and thirty-six, are declared under process of liquidation. All amounts existing to the credit of the Municipal Loan Fund, remaining uninvested at the time of the approval of this Act shall revert to the bond funds created under Acts Numbered Twenty-nine hundred and forty and Three thousand and thirteen, and all amounts existing to the credit of the Private Surveyors' Loan Fund and the Friar Lands Loan Fund, remaining uninvested at the time of the approval of this Act, shall revert to the general funds of the Philippine Treasury.

SEC. 2. All loans outstanding at the date of the approval of this Act shall be collected in accordance with the terms and conditions under which they were granted until they are paid in full, and any amount or amounts so collected on account of the Municipal Loan Fund shall likewise revert to the bond funds mentioned in the preceding section, and any amount or amounts collected on account of the Private Surveyors' Loan Fund and the Friar Lands Loan Fund shall likewise revert to the general funds of the Philippine Treasury.

SEC. 3. This Act shall take effect upon its approval.

Approved, May 26, 1940.

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[No. 4199]

AN ACT TO AMEND SECTIONS SIXTEEN HUNDRED ELEVEN, SIXTEEN HUNDRED TWELVE, SIXTEEN HUNDRED TWENTY-ONE, SIXTEEN HUNDRED TWENTY-TWO, SIXTEEN HUNDRED TWENTY-THREE, SIXTEEN HUNDRED TWENTY-FOUR, SIXTEEN HUNDRED TWENTY-SIX, AND SIXTEEN HUNDRED TWENTY-SEVEN OF CHAPTER FORTY-ONE OF THE REVISED ADMINISTRATIVE CODE, AS AMENDED BY ACT NUMBERED THREE THOUSAND FIFTY-EIGHT, APPROVED JUNE THIRTEEN, NINETEEN HUNDRED TWENTY-TWO, TO PROVIDE FOR AN "EXCHANGE STANDARD FUND" IN PLACE OF THE "GOLD STANDARD FUND," AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Sections sixteen hundred eleven, sixteen hundred twelve, sixteen hundred twenty-one, sixteen hundred twenty-two, sixteen hundred twenty-three, sixteen hundred twenty-four, sixteen hundred twenty-six, and sixteen hundred twenty-seven of Chapter Forty-one of the Revised Administrative Code, as amended by Act Numbered Three thousand fifty-eight, approved June thirteen, nineteen hundred twenty-two, are hereby amended to read as follows:

"SEC. 1611. *Unit of monetary value in Philippine Islands.*—The unit of monetary value in the Philippine Is-

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lands shall be the peso; two pesos shall be equal in value to one dollar in any currency which is legal tender for public and private debts in the United States.

"SEC. 1612. *Legal tender.*—The Philippine peso and half-pesos including Philippine Treasury Certificates of any denomination shall be legal tender at the rate of one dollar for two pesos for all debts public and private. Philippine subsidiary coins of twenty centavos and ten centavos shall be legal tender in amounts not exceeding twenty pesos. Philippine minor coins of nickel and copper shall be legal tender in amounts not exceeding two pesos.

"SEC. 1621. *Powers and duties of Insular Treasurer in respect to maintenance of parity.*—For the purpose of maintaining the parity of the Philippine peso with the legal tender currency of the United States, and of keeping the currency equal in volume only to the demands of trade, the Insular Treasurer is hereby authorized and directed—

"(a) On demand, at the Insular Treasury in Manila, to sell for Philippine currency offered in sums of not less than ten thousand pesos, or currency issued by and/or under the authority of the United States, offered in sums of not less than five thousand dollars, exchange for equivalent amounts on the 'Exchange Standard Fund' deposited in the United States, charging for the same such a premium as may from time to time be determined by the Secretary of Finance with the approval of the Governor-General; and the Insular Treasurer is further authorized and directed to instruct any depositories of funds of the Philippine Government in the United States to sell on demand, in sums of not less than ten thousand pesos, exchange against the 'Exchange Standard Fund' in the Philippine Islands, charging for the same such a premium as may from time to time be determined by the Secretary of Finance with the approval of the Governor-General, rendering accounts therefor to the Insular Treasurer and the Insular Auditor. All such dealings in exchange shall constitute operations through the 'Exchange Standard Fund' hereinafter provided for.

"(b) To exchange at par, on the approval of the Secretary of Finance, currency issued by and/or under the

authority of the United States, for Philippine currency, and Philippine currency for currency issued by and/or under the authority of the United States.

“(c) To withdraw from circulation Philippine currency received in the Insular Treasury in Manila in the manner provided in paragraphs (a) and (b) of this section until said Philippine currency is paid out in response to the demands upon it by the sale of exchange in the United States as provided in paragraph (a) of this section or until said Philippine currency is needed at the Insular Treasury for the purpose of effecting exchanges of said Philippine currency for currency issued by and/or under the authority of the United States as provided by paragraph (b) of this section.

“(d) To withdraw from circulation currency issued by and/or under the authority of the United States and United States gold coin and gold bars received in the Philippine Islands by the Insular Treasurer in exchange for Philippine currency, or for exchange sold on the ‘Exchange Standard Fund’ in the United States, under paragraphs (a) and (b) of this section. The money so obtained shall become part of the ‘Exchange Standard Fund.’

“SEC. 1622. *How constituted.*—There is hereby constituted in the Insular Treasury a separate and trust fund, designated as the ‘Exchange Standard Fund,’ which shall at all times be maintained in a sum not less than fifteen per centum of the money of the Government of the Philippine Islands in circulation and available for circulation, including both coin and treasury certificates. If at any time and for any reason said fund shall fall below the minimum hereinabove fixed, the deficiency shall be made up out of any funds then in the Insular Treasury or thereafter paid into the Treasury, not specifically appropriated to meet the payment of the principal, sinking fund, or interest of the public debt, and such amount shall be considered as automatically appropriated for this purpose, and the Insular Treasurer is hereby authorized and directed to transfer the necessary amount to the ‘Exchange Standard Fund’ to make good any such deficiency therein.

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"In determining the minimum limitation of the 'Exchange Standard Fund' for any purposes in this Act, the proceeds of outstanding certificates of indebtedness shall not be counted as a part of the fund.

"To the fund there shall be added from time to time the following:

"(a) All profits of seigniorage made by the Insular Government in the purchase of bullion and the coinage therefrom, and the issue of Philippine pesos and subsidiary and minor coins, as well as all profits derived from the recoinage of Philippine coins of greater weight and fineness than those prescribed by this Act.

"(b) All profits from the sale of exchange by the Insular Government between the Philippine Islands and the United States for the purpose of maintaining the parity of the Philippine peso.

"(c) All premiums arising from the sale of inter-island telegraphic transfers and demand drafts by the Insular Treasurer in Manila upon provincial treasurers.

"(d) All net proceeds of forfeitures of silver coin or bullion the exportation or importation of which is attempted or effected contrary to law.

"(e) All interest or other profit from deposits made from the 'Exchange Standard Fund' in accordance with law.

"(f) All other receipts derived by the Insular Government from the exercise of the functions of furnishing a currency for the Philippine Islands.

"Such fund shall not be used to pay any of the expenses of the Government of the Philippine Islands or to satisfy any of the appropriations of said Government except only such expenses as follows:

"(a) Those connected with the purchase of bullion, the coinage of the same into money of the Philippine Islands, and those expenses which are incidental to such coinage;

"(b) Those connected with the putting of the money into circulation, including the preparation, issue, and destruction of treasury certificates, and including additional compensation to the members of the committee provided for in

section sixteen hundred and twenty-five, paragraph (g), of this Act;

“(c) Those connected with the carrying on of such transactions, by exchange or otherwise, as may be authorized by law to maintain the circulation of the currency of the Philippine Islands, to maintain the parity of the Philippine peso with the legal tender currency of the United States, and to maintain the parity of value between the peso and subsidiary and minor coins.

“SEC. 1623. *How held.*—The ‘Exchange Standard Fund’ shall be held in the vaults of the Insular Treasury in Manila or may in part be held in the form of deposits with the Secretary of the Treasury of the United States and/or with such Federal Reserve Banks or member banks of the Federal Reserve System in the United States as may be designated from time to time by the Governor-General to be branches of the Philippine Treasury for receiving such deposits: *Provided*, That no portion of the fund shall ever be deposited in any bank doing business in the Philippine Islands or in any branch or agency outside of said Islands of a bank doing business in said Islands, or in any bank doing business outside said Islands which may be controlled by a bank doing business in said Islands through the ownership of stock therein or otherwise: *And provided, further*, That not more than twenty per centum of the fund shall be deposited with any single depository in the United States, except (1) with the Secretary of the Treasury of the United States, or (2) with the bank where the Insular Treasurer keeps his deposits in current account in connection with his exchange operations. Such portion of the fund as is held in the Treasury at Manila shall be physically segregated in the vaults of the Insular Treasury and be kept separate and detached from all other funds in such vaults, and shall be under the same joint custody of the committee as provided for the reserve vault in paragraph (e) of section sixteen hundred and twenty-five of this Act.

“SEC. 1624. *Insufficiency of the fund and surplus accumulations.*—Should the minimum of the ‘Exchange Standard

Fund' as hereinbefore constituted be insufficient to maintain the parity of the Philippine peso, it may be augmented by the proceeds of the sale of certificates of indebtedness as provided by Act of Congress of March second, nineteen hundred and three, as amended. Such proceeds shall then constitute a part of said fund. As the public interest permits, the Governor-General, upon the recommendation of the Secretary of Finance, may direct the payment from the fund of the principal and interest of all or any part of the certificates of indebtedness at any time outstanding.

"The 'Exchange Standard Fund' shall be increased in amount through the additions provided for in section sixteen hundred and twenty-two of this Act until the amount of the said fund shall be equal to twenty-five per centum of the money of the Philippine Islands in circulation and available for circulation, including both coin and treasury certificates. Any surplus which may accumulate in the said fund in excess of the said twenty-five per centum may be transferred, in whole or in part, to the general fund of the Insular Treasury upon the recommendation of the Secretary of Finance and the approval of the Governor-General: *Provided*, That in calculating the twenty-five per centum the proceeds of the sale of outstanding certificates of indebtedness shall not be included: *And provided, further*, That no surplus shall be so transferred while certificates of indebtedness are outstanding.

"SEC. 1626. *Issuance of treasury certificates.*—The Treasurer of the Philippine Islands is hereby authorized, in his discretion, to receive at the Insular Treasury or at any of its branches, deposits of silver pesos or half pesos authorized herein, in sums of not less than twenty pesos, and to issue therefor treasury certificates of an equivalent face amount, in denominations of not less than one peso, nor more than five hundred pesos. Coin so received shall be retained in the Treasury and held for the payment of such certificates, on demand, and used for no other purpose, and shall consti-

tute a separate and trust fund in the Insular Treasury, to be known as the 'Treasury Certificate Fund.'

"The 'Treasury Certificate Fund' shall at all times be equivalent in amount to one hundred per centum of all treasury certificates in circulation and available for circulation, and shall be constituted of silver coins received in exchange for the treasury certificates, and shall be held in the vaults of the Insular Treasury in Manila, and not elsewhere: *Provided, however,* That when the government's supply of silver coin is insufficient to meet the demands of trade, legal tender currency of the United States may be substituted temporarily for silver pesos in the fund to such an extent as may be found necessary to release silver coins for circulation, pending the purchase of silver bullion for the coinage of silver coins, which silver coins shall immediately be substituted for the United States legal tender currency placed in the fund: *And provided, further,* That as first set up and established by the provisions of this Act and thereafter until the Governor-General in writing may direct the purchase of silver bullion for the coinage of additional silver coins, the 'Treasury Certificate Fund' instead of being constituted wholly of silver coins held in the vaults of the Insular Treasury in Manila, may be constituted in part of legal tender currency of the United States held in Manila or dollar deposit with the Secretary of the Treasury of the United States or with such Federal Reserve Banks or member banks of the Federal Reserve System in the United States as may from time to time be designated by the Governor-General to be branches of the Philippine Treasury for receiving such deposits. The 'Treasury Certificate Fund' shall be segregated physically from all other funds in the Insular Treasury, and it shall be held under the joint custody of the Reserve Vault Committee.

"SEC. 1627. *Reports of Insular Treasurer upon condition of the 'Exchange Standard Fund' and the 'Treasury Cer-*

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tificate Fund.'—At the opening of each regular session of the Legislature, the Insular Treasurer shall submit to the Secretary of Finance, who will transmit the same to the Governor-General, a special report containing a detailed statement of the amount and sources of the 'Exchange Standard Fund' and the 'Treasury Certificate Fund' and of all the operations of the Treasury relating to said funds during the preceding year. Upon approval by the Governor-General a copy of such report shall be transmitted to each House of the Legislature.

"The Insular Treasurer shall also submit to the Governor-General, through the Secretary of Finance, a monthly report containing a detailed statement of all operations of the Treasury relating to such funds."

SEC. 2. Whenever the phrase "Gold Standard Fund" appears in any law of the Philippine Islands it shall hereafter be deemed to read "Exchange Standard Fund."

SEC. 3. This Act shall take effect only upon the approval of the President of the United States.

Approved, March 16, 1935.

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[COMMONWEALTH ACT No. 434]

AN ACT VESTING IN THE TREASURER OF THE
PHILIPPINES CERTAIN POWERS OVER TRUSTS
FOR CHARITABLE USES AND APPROPRIATING
THE NECESSARY FUNDS TO CARRY OUT THE
PURPOSES THEREOF.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Without prejudice to the exercise by the competent courts of the powers vested in them over trusts, trustees, and trust estates, the Treasurer of the Philippines is vested with the same power and authority over trusts for charitable uses as that now exercised by him over mutual benefit, relief, and benevolent societies and associations under the provisions of Article VIII of Chapter 41 of Title VII of the Administrative Code.

SEC. 2. For the purpose of this Act, a trust for charitable uses shall include all real or personal properties or funds, as well as those acquired with the fruits or income therefrom or in exchange or substitution thereof, given to or received by any person, corporation, association, foundation, or entity, except the National Government, for charitable, benevolent, educational, pious, or other uses for the benefit of the public at large or a particular portion thereof or for the benefit of an indefinite number of persons.

SEC. 3. Such sums as may be necessary to carry out the provisions of this Act are appropriated out of any funds in the Philippine Treasury not otherwise appropriated: *Provided*, That appropriations for this purpose for the fiscal year nineteen hundred and forty and subsequent years shall be included in the annual appropriation acts.

SEC. 4. This Act shall take effect upon its approval.

Approved, May 31, 1939.

31828

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[No. 4233]

AN ACT AMENDING THE THIRD PARAGRAPH OF SECTION SIXTEEN HUNDRED AND THIRTY-SEVEN OF THE REVISED ADMINISTRATIVE CODE, AS AMENDED BY ACT NUMBERED THIRTY-FIVE HUNDRED AND NINETEEN, PROVIDING FOR THE PAYMENT OF FEES BY ALL BANKING INSTITUTIONS SUBJECT TO INSPECTION BY THE BANK COMMISSIONER.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. The third paragraph of section sixteen hundred and thirty-seven of the Revised Administrative Code, as amended by Act Numbered Thirty-five hundred and nineteen, is hereby further amended to read as follows:

“Within the first ten days of January and July of each year, every banking institution and every mutual building and loan association shall pay a fee to the Bank Commissioner in an amount equivalent to one-seventy-sixth of one per cent of the average total assets of such banking institution and/or mutual building and loan association during the preceding six months, but in no case shall such fee be less than fifty pesos: *Provided, however,* That the aggregate of such fees collected in any one year shall not exceed sixty-five thousand pesos. In the event that the proportion of fees based upon the average total assets of all banking institutions and/or mutual building and loan associations shall aggregate an amount in excess of sixty-five

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thousand pesos, in any one year, the ratio of the fee to the average total assets of all such banking institutions and/or mutual building and loan associations shall correspondingly be reduced. The Bank Commissioner shall, by regulation, prescribe the manner of determining the average total assets of banking institutions and mutual building and loan associations for the purpose of the payment of fees."

SEC. 2. This Act shall take effect beginning January first, nineteen hundred and thirty-five.

Approved, August 16, 1935.

294902

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 305

DESIGNATING PROVINCIAL, CITY, AND MUNICIPAL TREASURERS,
LIBRARIANS OF THE BRANCHES OF THE NATIONAL LIBRARY,
AND PRINCIPALS OF CENTRAL SCHOOLS TO SELL AND DISTRIBUTE
GOVERNMENT PUBLICATIONS.

With a view to giving as wide publicity as possible to the activities being undertaken by the Government in the promotion of the political, social, and cultural welfare of the people, provincial, municipal, and city treasurers, librarians of the branches of the National Library, and principals of central schools under the Bureau of Education are hereby designated representatives of the Bureau of Printing in their respective jurisdictions to sell and distribute government publications.

The Director of Printing may therefore consign from time to time to said officials under proper documents and invoices, a reasonable quantity of government publications which in his opinion are of value and/or interest to the general public for sale at such prices as may be fixed therefor under section one thousand six hundred fifty-one of the Administrative Code.

Done at the City of Manila, this nineteenth day of October, in the year of Our Lord, nineteen hundred and forty, and of the Commonwealth of the Philippines, the fifth.

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

49687

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[COMMONWEALTH ACT NO. 543]

AN ACT TO AMEND SECTION ONE THOUSAND SIX
HUNDRED AND FIFTY-NINE OF THE ADMIN-
ISTRATIVE CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section one thousand six hundred and fifty-nine of the Administrative Code is amended so as to read as follows:

"SEC. 1659. The Bureau of Justice shall have one Chief to be known as the Solicitor-General whose salary shall be eleven thousand pesos *per annum* and shall have the rank of an Undersecretary of a Department. He shall be assisted by one First Assistant Solicitor-General whose salary shall be nine thousand pesos *per annum*. When the Solicitor-General is unable to perform his duties or in case of a vacancy in the office, the First Assistant Solicitor-General shall temporarily perform the functions of said office, or, in his absence, the Secretary of Justice may designate the acting chief of the office. There shall also be three Assistant Solicitors-General and such number of solicitors as may from time to time be available under current appropriations and as the conditions of the service shall require.

"The qualifications for appointment to the positions of Solicitor-General, the First Assistant Solicitor-General, and Assistant Solicitors-General shall be the same as those prescribed for Judges of Courts of First Instance, and those for the solicitors shall be the same as those prescribed for provincial fiscals."

SEC. 2. To pay the salary of the First Assistant Solicitor-General there is appropriated from the funds of the Philippine Treasury not otherwise appropriated, the sum of nine thousand pesos.

SEC. 3. This Act shall take effect upon its approval.

Approved, May 26, 1940.

43574



[COMMONWEALTH ACT No. 409]

AN ACT TO DESIGNATE THE PROVINCIAL FISCALS OF PROVINCES WHOSE CAPITALS HAVE BEEN CONVERTED INTO CITIES, CITY ATTORNEYS *EX OFFICIO* THEREOF, WITH ADDITIONAL COMPENSATION, AND TO PROVIDE FOR THE APPOINTMENT OF ASSISTANT CITY ATTORNEYS THEREAT.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The provisions of existing laws to the contrary notwithstanding, the provincial fiscal of the respective province to which the several chartered cities organized under the laws in force belonged prior to their incorporation as cities shall be, *ex officio*, the city attorney for the city which is the capital of the province for which he has been appointed, with an additional compensation, to be paid out of the city funds, in the sum of one thousand pesos per annum. In each such chartered city, there shall be as many assistant city attorneys, not exceeding three, as may be determined by the President of the Philippines, due consideration to be given to the amount of business thereat. The assistant city attorneys shall be appointed by the President of the Philippines, with the consent of the Commission on Appointments of the National Assembly, and shall receive compensation in accordance with the following scale: (a) the first assistant city attorney shall receive three thousand pesos per annum; (b) the second assistant city attorney shall receive two thousand eight hundred pesos per annum; and (c) the third assistant city attorney shall receive two thousand four hundred pesos per annum.

SEC. 2. This Act shall take effect upon its approval.

Approved, September 14, 1938.

22288

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[COMMONWEALTH ACT No. 144]

AN ACT TO AMEND SECTIONS SIXTEEN HUNDRED AND SEVENTY-FOUR, SIXTEEN HUNDRED AND SEVENTY-NINE, SIXTEEN HUNDRED AND EIGHTY, SIXTEEN HUNDRED AND EIGHTY SIX, AND TWENTY-FOUR HUNDRED AND SIXTY-FIVE, OF THE ADMINISTRATIVE CODE, AS AMENDED.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section sixteen hundred and seventy-four of the Administrative Code is hereby amended to read as follows:

"SEC. 1674. *Assistant provincial fiscals.*—In the following provinces there shall be assistant provincial fiscals in such numbers and with such salaries as are hereinafter provided:

"Cagayan, one assistant provincial fiscal at two thousand pesos per annum;

"Ilocos Norte, one assistant provincial fiscal at two thousand pesos per annum;

"Ilocos Sur, one assistant provincial fiscal at two thousand pesos per annum;

"Mountain Province, one assistant provincial fiscal at two thousand pesos per annum;

"Pangasinan, three assistant provincial fiscals: one at two thousand eight hundred pesos, and two at two thousand four hundred pesos per annum each;

"Nueva Ecija, three assistant provincial fiscals at two thousand eight hundred pesos, two thousand four hundred pesos, and two thousand pesos, respectively, per annum;

"Pampanga, two assistant provincial fiscals at two thousand eight hundred pesos and two thousand four hundred pesos, respectively, per annum;

"Bulacan, two assistant provincial fiscals at two thousand eight hundred pesos and two thousand four hundred pesos, respectively, per annum;

"Tarlac, one assistant provincial fiscal at two thousand four hundred pesos per annum;

"Albay, one assistant provincial fiscal at two thousand four hundred pesos per annum;

"Oriental Negros, one assistant provincial fiscal at two thousand four hundred pesos per annum;

"Rizal, two assistant provincial fiscals at two thousand eight hundred pesos and two thousand four hundred pesos, respectively, per annum;

"Laguna, one assistant provincial fiscal at two thousand four hundred pesos per annum;

"Batangas, one assistant provincial fiscal at two thousand pesos per annum;

"Cavite, one assistant provincial fiscal at two thousand pesos per annum;

"Tayabas, two assistant provincial fiscals at two thousand eight hundred pesos and two thousand four hundred pesos, respectively, per annum;

"Sorsogon, one assistant provincial fiscal at two thousand pesos per annum;

"Capiz, one assistant provincial fiscal at two thousand pesos per annum;

"Iloilo, three assistant provincial fiscals at two thousand eight hundred pesos, two thousand four hundred pesos, and two thousand pesos, respectively, per annum;

"Occidental Negros, two assistant provincial fiscals at two thousand eight hundred pesos and two thousand four hundred pesos, respectively, per annum;

"Leyte, two assistant provincial fiscals at two thousand four hundred pesos and two thousand pesos, respectively, per annum;

"Cebu, four assistant provincial fiscals at two thousand eight hundred pesos, two thousand four hundred pesos,

two thousand pesos, and one thousand six hundred pesos, respectively, per annum;

"Oriental Misamis, one assistant provincial fiscal at two thousand pesos per annum;

"Camarines Sur, one assistant provincial fiscal at two thousand pesos per annum;

"Zamboanga, one assistant provincial fiscal at one thousand six hundred pesos per annum; and

"Sulu, one assistant provincial fiscal at one thousand six hundred pesos per annum.

"These officers shall be appointed by the President of the Philippines with the consent of the Commission on Appointments of the National Assembly, and their salaries shall be paid by the provinces concerned. To be eligible for appointment to this position, a person must be a citizen of the Philippines who has been duly admitted to practice in the courts of said islands, and has been in actual practice for at least three years, prior to his appointment, or has held during a like period, within the Philippines, the office of clerk of court, law clerk in a bureau of the Government, or an office requiring the services of a lawyer."

SEC. 2. Section sixteen hundred and seventy-nine of the Administrative Code is hereby amended to read as follows:

"SEC. 1679. *When Secretary of Justice shall appoint acting provincial fiscal.*—When a provincial fiscal shall be disqualified by personal interest to act in a particular case or when for any reason he shall be unable, or shall fail, to discharge any of the duties of his position, the Secretary of Justice shall appoint an acting provincial fiscal, who shall discharge all the duties of the regular provincial fiscal which the latter shall fail or be unable to perform. Such officer shall, for the days actually employed, be paid out of the provincial treasury the same compensation per day as that provided by law for the regular provincial fiscal. The person so appointed shall be either a practising attorney or some competent officer of the Department of Justice or office of any provincial fiscal. This may also be done in case of vacancy, pending the appointment of a permanent fiscal."

SEC. 3. Section sixteen hundred and eighty of the Administrative Code, as amended, is hereby further amended to read as follows:

"SEC. 1680. *Temporary detail of provincial fiscal to other province.*—The Secretary of Justice may, in the interest of the public service, direct the temporary detail of any provincial fiscal or deputy provincial fiscal from one province to any other province in the Islands, or to the City of Manila, there to perform such duties pertaining to the office of provincial fiscal or of the city fiscal, or such other duties as may be specified by the Secretary of Justice in such assignment.

"The travel expense of a fiscal so detailed shall be paid by the province to which he is temporarily assigned or by the Department of Justice if assigned to work in the aforesaid Department in Manila, or by the City of Manila, if assigned to work in the office of the city fiscal."

SEC. 4. Section sixteen hundred and eighty-six of the Administrative Code, as amended, is hereby further amended to read as follows:

"SEC. 1686. *Additional counsel to assist fiscal.*—The Secretary of Justice may appoint any lawyer, being either a subordinate from his office or a competent person not in the public service, temporarily to assist a fiscal or prosecuting attorney in the discharge of his duties, and with the same authority therein as might be exercised by the Attorney-General or Solicitor-General.

"In addition to travel expense, such appointee, if not in the Government service, shall receive such compensation as shall be stipulated for, not exceeding thirty pesos per day for the time employed."

SEC. 5. Section twenty-four hundred and sixty-five of the Administrative Code, as amended, is hereby further amended so as to read as follows:

"SEC. 2465. *The fiscal of the city—His assistants—His duties.*—The law department shall consist of the fiscal of the city and of eighteen assistants, who shall discharge their duties under the general supervision of the Secretary of Justice. The fiscal of the city shall be the chief legal

adviser of the city and all offices and departments thereof; shall represent the city in all civil cases wherein the city or any officer thereof in his official capacity is a party; shall attend, when required, meetings of the Board, draw ordinances, contracts, bonds, leases, and other documents involving any interest of the city and inspect and pass upon all such documents already drawn; shall give his opinion in writing when requested by the mayor or Board upon any question relating to the city, or the rights or duties of any city officer; shall, whenever it is brought to his knowledge that any city officer or employee is guilty of neglect or misconduct in office, or that any person, firm, or corporation holding or exercising any franchise or public privilege from the city has failed to comply with any condition, or to pay any consideration mentioned in the grant of such franchise or privilege, investigate the same and report to the mayor; shall, when directed by the mayor, institute and prosecute in the city's interest a suit on any bond, lease, or other contract, and upon any breach or violation thereof; and shall prosecute and defend all civil actions related to or connected with any city office or interest. He shall also have charge of the prosecution of all crimes, misdemeanors, and violations of city ordinances, in the Court of First Instance and the municipal court of the city, and shall discharge all the duties in respect to criminal prosecutions enjoined by law upon provincial fiscals.

"The fiscal of the city shall cause to be investigated all charges of crimes, misdemeanors, and violations of ordinances, and have the necessary informations or complaints prepared or made against the persons accused. He or any of his assistants may conduct such investigations by taking oral evidence of reputed witnesses, and for this purpose may by *subpœna*, summon witnesses to appear and testify under oath before him, and the attendance or evidence of an absent or recalcitrant witness may be enforced by application to the municipal court or the Court of First Instance. No witness summoned to testify under this section shall be under obligation to give any testimony tending to incriminate himself, and no testimony elicited from a wit-

ness by such examination under oath before the fiscal of the city or his assistants under this section shall be used against such witness in any prosecution pending or thereafter instituted against him.

"The fiscal of the city shall also cause to be investigated the causes of sudden deaths which have not been satisfactorily explained and when there is suspicion that the cause arose from the unlawful acts or omissions of other persons, or from foul play. For that purpose, he may cause autopsies to be made, and shall be entitled to demand and receive for purposes of such investigations or autopsies, subject to the rules and conditions previously established by mutual agreement between the Secretary of Justice and the Board of Regents of the University of the Philippines, the aid of the department of legal medicine of the College of Medicine and Surgery of the University of the Philippines. In case the fiscal of the city deems it necessary to have further expert assistance for the satisfactory performance of his duties in relation with medico-legal matters or knowledge, including the giving of medical testimony in the courts of justice, he shall request the same, in the same manner and subject to the same rules and conditions as above specified, from the head of said department of legal medicine of the College of Medicine and Surgery of the University of the Philippines, who shall thereupon furnish the assistance required, in accordance with his powers and facilities. He shall at all times render such professional services as the mayor or Board may require, and shall have such powers and perform such other duties as may be prescribed by law or ordinance.

"The fiscal of the city and his assistants shall receive the salaries hereinafter set forth, which shall be paid by the City of Manila:

- "(a) Fiscal of the city, nine thousand pesos per annum.
- "(b) One assistant fiscal, six thousand pesos per annum.
- "(c) One assistant fiscal, five thousand five hundred pesos per annum;
- "(d) One assistant fiscal, five thousand pesos per annum;

"(e) One assistant fiscal, four thousand eight hundred pesos per annum;

"(f) One assistant fiscal, four thousand five hundred pesos per annum;

"(g) One assistant fiscal, four thousand two hundred pesos per annum;

"(h) One assistant fiscal, four thousand pesos per annum;

"(i) One assistant fiscal, three thousand six hundred pesos per annum;

"(j) One assistant fiscal, three thousand two hundred pesos per annum;

"(k) One assistant fiscal, two thousand eight hundred pesos per annum;

"(l) Two assistant fiscals, two thousand four hundred pesos per annum each;

"(m) Five assistant fiscals, two thousand pesos per annum each;

"(n) One assistant fiscal, one thousand eight hundred pesos per annum."

SEC. 6. This Act shall take effect upon its approval.

Approved, November 7, 1936.

2920



[COMMONWEALTH ACT NO. 583]

AN ACT TO AMEND SECTION SIXTEEN HUNDRED
AND SEVENTY-FOUR OF THE ADMINISTRATIVE
CODE, AS AMENDED.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section sixteen hundred and seventy-four of the Administrative Code is amended to read as follows:

"SEC. 1674. *Assistant provincial fiscals.*—In the following provinces there shall be assistant provincial fiscals in such numbers and with such salaries as are hereinafter provided:

"Bohol, two assistant provincial fiscals, two thousand eight hundred pesos and two thousand four hundred pesos, respectively, per annum;

"Cagayan, one assistant provincial fiscal at two thousand pesos per annum;

"Cotabato, one assistant provincial fiscal at two thousand pesos per annum;

"Iloco's Norte, two assistant provincial fiscals at two thousand pesos per annum;

"Ilocos Sur, one assistant provincial fiscal at two thousand pesos per annum;

"Isabela, one assistant provincial fiscal at two thousand pesos per annum;

"La Union, one assistant provincial fiscal, at two thousand pesos per annum;

"Mountain Province, one assistant provincial fiscal at two thousand pesos per annum;

"Pangasinan, three assistant provincial fiscals, one at two thousand eight hundred pesos, and two at two thousand four hundred pesos per annum each;

"Nueva Ecija, four assistant provincial fiscals at two thousand eight hundred pesos, two thousand four hundred

pesos, two thousand pesos, and one thousand eight hundred pesos, respectively, per annum;

"Pampanga, two assistant provincial fiscals at two thousand eight hundred pesos and two thousand four hundred pesos, respectively, per annum;

"Bulacan, two assistant provincial fiscals at two thousand eight hundred pesos and two thousand four hundred pesos, respectively, per annum;

"Tarlac, one assistant provincial fiscal at two thousand four hundred pesos per annum;

"Albay, one assistant provincial fiscal at two thousand four hundred pesos per annum;

"Oriental Negros, one assistant provincial fiscal at two thousand four hundred pesos per annum;

"Rizal, two assistant provincial fiscals at two thousand eight hundred pesos and two thousand four hundred pesos, respectively, per annum;

"Samar, one assistant provincial fiscal at two thousand four hundred pesos per annum;

"Laguna, two assistant provincial fiscals at two thousand four hundred pesos and two thousand pesos, respectively per annum;

"Lanao, one assistant provincial fiscal at two thousand pesos per annum;

"Batangas, one assistant provincial fiscal at two thousand pesos per annum;

"Cavite, one assistant provincial fiscal at two thousand pesos per annum;

"Tayabas, two assistant provincial fiscals at two thousand eight hundred pesos and two thousand four hundred pesos, respectively, per annum;

"Sorsogon, one assistant provincial fiscal at two thousand pesos per annum;

"Capiz, one assistant provincial fiscal at two thousand pesos per annum;

"Iloilo, three assistant provincial fiscals, at two thousand eight hundred pesos, two thousand four hundred pesos, and two thousand pesos, respectively, per annum;

"Occidental Negros, three assistant provincial fiscals, one at two thousand eight hundred pesos and two at two thousand four hundred pesos, each, per annum;

"Leyte, two assistant provincial fiscals at two thousand four hundred pesos and two thousand pesos, respectively, per annum;

"Cebu, five assistant provincial fiscals at two thousand eight hundred pesos, two thousand four hundred pesos, two thousand pesos, respectively, and the last two at one thousand eight hundred pesos each per annum;

"Oriental Misamis, one assistant provincial fiscal at two thousand pesos per annum;

"Occidental Misamis, one assistant provincial fiscal, at two thousand pesos per annum;

"Surigao, one assistant provincial fiscal, at two thousand pesos per annum;

"Camarines Sur, one assistant provincial fiscal at two thousand pesos per annum;

"Zamboanga, one assistant provincial fiscal at one thousand six hundred pesos per annum; and

"Sulu, one assistant provincial fiscal at two thousand pesos per annum.

"These officers shall be appointed by the President of the Philippines with the consent of the Commission on Appointments of the National Assembly, and their salaries shall be paid by the provinces concerned. The salary of the assistant provincial fiscal shall be included in the annual appropriation of the province in the same manner as the salary of the provincial fiscal. To be eligible for appointment to this position, a person must be a citizen of the Philippines who has been duly admitted to practice in the courts of said islands, and has been in actual practice for at least three years, prior to his appointment."

SEC. 2. This Act shall take effect upon its approval.

Enacted, without Executive approval, June 8, 1940.

43710



[No. 4165]

AN ACT TO AMEND ACT NUMBERED TWO THOUSAND SEVEN HUNDRED AND ELEVEN, KNOWN AS THE ADMINISTRATIVE CODE, BY INSERTING BETWEEN SECTIONS ONE THOUSAND SIX HUNDRED AND SEVENTY-FOUR AND ONE THOUSAND SIX HUNDRED AND SEVENTY-FIVE, A NEW SECTION TO BE KNOWN AS SECTION ONE THOUSAND SIX HUNDRED AND SEVENTY-FOUR (A), PROVIDING FOR THE DIVISION OF THE PHILIPPINE ISLANDS INTO EIGHT SUPERVISING DISTRICTS FOR FISCALS AND THE DESIGNATION OF SUPERVISING FISCALS, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. The Administrative Code is hereby amended by inserting between sections one thousand six hundred and seventy-four and one thousand six hundred and seventy-five thereof, a new section to be known as section one thousand six hundred and seventy-four-A which shall read as follows:

"SEC. 1674-A. The Secretary of Justice is hereby authorized to group the provinces of the Philippine Islands into districts taking into account the means of transportation between them, and to designate for each district a supervising fiscal to be selected among the fiscals of the

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provinces within such district. Such supervising fiscal shall, in addition to his duties as provincial fiscal of his province, and subject to the direction and control of the said Secretary of Justice, exercise supervision over the work of the provincial fiscals within his district and shall render assistance to any one of them in cases of special importance. The supervising fiscal so designated shall receive in addition to his salary as provincial fiscal, the provisions of section two hundred and fifty-nine of this Code to the contrary notwithstanding, such compensation, to be paid out of Insular funds, as the Secretary of Justice may determine, not to exceed one thousand pesos per annum."

SEC. 2. The sum of ten thousand pesos, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Insular Treasury, not otherwise appropriated, for the salaries of supervising fiscals and for their traveling expenses as such to be disbursed by the Secretary of Justice.

SEC. 3. This Act shall take effect upon its approval.

Approved, December 3, 1934.

288582



[COMMONWEALTH ACT NO. 544]

AN ACT TO CREATE EIGHT POSITIONS OF DISTRICT ATTORNEYS, APPROPRIATING THE NECESSARY FUNDS THEREFOR.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. There shall be appointed for each of the judicial districts of the Philippines, except the fourth, a district attorney who shall exercise supervision over the provincial fiscals and assistant provincial fiscals within the district to which he is appointed and shall perform the duties of provincial fiscal when directed, and such other duties as may be authorized, by the Secretary of Justice. In the interest of public service, the Secretary of Justice may assign any district attorney to another district other than that to which he is appointed.

For the purpose of this Act, the Provinces of Rizal and Palawan shall be deemed included in the third judicial district.

SEC. 2. District attorneys shall be appointed by the President of the Philippines with the consent of the Commission on Appointments of the National Assembly and shall receive a compensation at the rate of eight thousand pesos *per annum* each. No person may be appointed district attorney unless he possesses the qualifications prescribed by law for judges of courts of first instance.

SEC. 3. The Secretary of Justice is authorized to employ such clerical assistance as may be necessary for the office of each district attorney at such compensations as may be fixed by him.

SEC. 4. There is appropriated out of any funds of the Philippine Treasury not otherwise appropriated the sum of ninety thousand pesos or so much thereof as may be necessary for salaries, *per diems*, travel expenses, purchase of materials and equipments and other sundry expenses for the period ending on June thirtieth, nineteen hundred and forty-one.

SEC. 5. Section sixteen hundred and seventy-four-A of the Administrative Code and Act Numbered Forty-one hundred and sixty-five are repealed.

SEC. 6. This Act shall take effect upon its approval.

Approved, May 26, 1940.

43286



MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 103

DIRECTING ALL BUREAUS, OFFICES, AND BRANCHES OF THE GOVERNMENT TO TURN OVER TO THE NATIONAL LIBRARY ALL PUBLIC RECORDS, PAPERS, OR DOCUMENTS OF HISTORICAL IMPORTANCE.

Pursuant to the provisions of section one thousand six hundred ninety-nine of the Revised Administrative Code, I, Manuel L. Quezon, President of the Philippines, do hereby direct each and every office, Bureau, or branch of the Government to turn over to the Director of the National Library all such public records, papers, and documents as are considered to be of historical importance for safekeeping in the National Library. Duplicate copies of such records, papers, or documents to be turned over to the National Library shall, however, be retained and kept in the office or Bureau concerned for ready reference. In case of difference of opinion as to whether a paper, document, or public record is of historical importance, the matter shall be submitted to the Board on Documents whose decision thereon shall be final.

Done at the City of New York, U. S. A. (for the City of Manila), this fourteenth day of June, in the year of Our Lord, nineteen hundred and thirty-seven, and of the Commonwealth of the Philippines, the second.

MANUEL L. QUEZON
President of the Philippines

By the President:
ELPIDIO QUIRINO
Secretary of the Interior

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[COMMONWEALTH ACT No. 82]

AN ACT TO AMEND PARAGRAPH (f) OF SECTION ONE THOUSAND SEVEN HUNDRED AND SIXTY-FIVE OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, KNOWN AS THE ADMINISTRATIVE CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Paragraph (f) of section one thousand seven hundred and sixty-five of Act Numbered Twenty-seven hundred and eleven, known as the Administrative Code, is hereby amended to read as follows:

“SEC. 1765. *Powers of Director of Animal Industry relative to animal quarantine, inspection and sanitation.*—The Director of Animal industry is hereby authorized—

* * * * *

“(f) To cooperate with provincial and municipal boards in the suppression of dangerous communicable animal diseases and to supervise and control the establishment and maintenance of municipal meat and milk inspection system, except in matters of sanitation and public health coming under the jurisdiction of the Bureau of Health.

“The technical personnel that may be needed for the proper supervision and inspection thereof shall be appointed by the Secretary of Agriculture and Commerce upon the recommendation of the Director of Animal Industry, once the position is created by the respective chartered city or municipality, and the remuneration of such personnel and other expenses shall be payable from the meat and milk inspection fees collected by the respective municipalities concerned.”

* * * * *

SEC. 2. This Act shall take effect upon its approval.

Approved, October 26, 1936.

2896



[COMMONWEALTH ACT No. 603]

AN ACT TO AMEND SECTIONS SEVENTEEN HUNDRED AND NINETY-FIVE AND SEVENTEEN HUNDRED AND NINETY-SIX-B OF THE ADMINISTRATIVE CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section seventeen hundred and ninety-five of the Administrative Code, as amended by section nineteen of Act Numbered Thirty-two hundred and sixty-three, is further amended so as to read as follows:

"SEC. 1795. *Inspection fees.*—There shall be levied and collected as inspection fees by the Secretary of Agriculture and Commerce or by his authorized agent with the approval of the President an amount not more than two pesos nor less than ten centavos for each bale of fibers inspected and stamped, whether approved or rejected. Such fees shall be paid by the owner of the bale, to whom a receipt shall be issued. Subject to the approval of the President, the inspection fees may be changed at any time by the Secretary of Agriculture and Commerce within the higher and lower limit fixed in this section, and the Secretary of Agriculture and Commerce may also fix different rates of fees for the different grades of hemp, provided the fees are uniform for each grade: *Provided, however,* That the Secretary of Agriculture and Commerce shall give general notice in writing of his intention to change the amount of the inspection fees not less than fifteen days nor more than two months previous to the date on which such new fees shall take effect."

47846

SEC. 2. Section seventeen hundred and ninety-six-B of the Administrative Code, inserted by virtue of section twenty-one of Act Numbered Thirty-two hundred and sixty-three, is also amended so as to read as follows:

"SEC. 1796-B. *Disposition of funds.*—All the amounts collected in the future and those which may have been collected up to the approval of this Act as fees for grading permits, baling and sale of specimens of the official standards shall be deposited in the National Treasury to the credit of the Secretary of Agriculture and Commerce and shall constitute a special fund to be used:

"(a) For the payment of the salaries of the inspectors and other employees of the Fiber Office and of any expenses properly and duly incurred in the exercise of their powers and the performance of their duties; and

"(b) Any unexpended surplus amount at the end of any year for the purposes mentioned in subsection (a) shall be expended by the Secretary of Agriculture and Commerce with the approval of the President of the Philippines for the following purposes: 1st. For investigational trips and for the establishment of agencies in the hemp markets abroad for the purpose of opening new markets for hemp and its by-products, enlarging the present markets, undertaking a publicity campaign for industrial products using hemp and other Philippine fibers as raw material, preventing the undue adulteration of Philippine fibers, and employing any other means tending to insure a reasonable price which will enable the producer to obtain a just compensation for his investment; 2nd. For the scientific and economical study of the hemp fibers and of other similar Philippine fibers with a view to their industrialization; 3rd. For the eradication and control of plagues and diseases injurious to the hemp plants and other similar plants; 4th. For the education and training of the producers of hemp and other fibers in connection with the cultivation, industrialization, stripping and baling thereof; 5th. For

47846

the establishment of hemp experimental stations; and 6th. For any other aims or purposes which in the judgment of the Secretary of Agriculture and Commerce shall tend to promote, improve, etc., the hemp industry and other fibers."

SEC. 3. This Act shall take effect upon its approval.

Approved, August 22, 1940.

47846



[COMMONWEALTH ACT No. 85]

AN ACT TO CREATE THE POSITIONS OF PROVINCIAL AGRICULTURAL SUPERVISORS AND LOCAL AGRICULTURAL SUPERVISORS AND TO AMEND THE REVISED ADMINISTRATIVE CODE ACCORDINGLY.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The positions of provincial agricultural supervisors and local agricultural supervisors are hereby created and for this purpose Chapter Forty-six of the Administrative Code, as amended, is hereby further amended by adding to said chapter a new article, which shall be entitled "Article V.—Agricultural Supervisors," and shall contain the following provisions:

"ARTICLE V.—*Agricultural Supervisors*

"SEC. 1813—A. *Provincial agricultural supervisors and local agricultural supervisors.*—There shall be a provincial agricultural supervisor in each province and a local agricultural supervisor in each municipality, municipal district or group of municipalities or municipal districts as may be recommended by the Director of Plant Industry. The provincial and local agricultural supervisors shall be appointed in accordance with the Civil Service Law and Rules.

"SEC. 1813—B. *Powers and duties of the provincial agricultural supervisors.*—The provincial agricultural supervisor shall be the chief representative of the Bureau of Plant Industry in his province and shall as such have within the same general supervision and direction of the work of said Bureau, especially as regards the investigation

of soil and climatic conditions and methods of producing and handling agricultural products; the introduction, production, and distribution of improved seeds and plants; the control and eradication of diseases, insects, and other pests injurious to plants; the operation of demonstration and agricultural extension work; the collection of agricultural statistics; and the publication and distribution of bulletins, circulars, and other printed matter. He shall at all times exercise supervision over the local agricultural supervisors of his province and shall keep informed as to the manner in which they perform their duties, by personal inspection where possible or by information he may secure from them or any other available means. He shall in proper cases advise them and give them instructions whenever they request the same or occasion therefor arises. He shall have power to take all steps necessary to check whatever may be injurious to agriculture and may cause the prosecution of persons responsible for any violation of the agricultural laws and ordinances and lawful regulations applicable to the province. He shall also have authority to combat any pest and remove the cause of any disease injurious to plants.

"Whenever it shall come to his knowledge that any law, regulation or municipal ordinance promulgated to combat any plant pest or disease is being disregarded in any municipality or municipal district within his province and the enforcement of such law, regulations or ordinance is being neglected, he shall bring this fact to the attention of the local agricultural supervisor and of the president of said municipality or municipal district and said officers shall immediately take such action as may be necessary to secure the proper enforcement of such law, regulation or ordinance.

"The provincial agricultural supervisor shall prepare and send to the Director of Plant Industry an annual report on his work and on the condition of agriculture in his province and shall keep such records and statistics as said Director may require.

"SEC. 1813-C. *Clerical assistance for provincial agricultural supervisor—Office room and supplies.*—The provincial board of each province shall provide the necessary clerical assistance for the provincial agricultural supervisor and shall furnish suitable office room and the furniture, equipment, supplies, printing, stationery, and blank forms necessary for the proper transaction of the business of the office. Such personnel shall be appointed by the provincial board, on nomination by the provincial agricultural supervisor.

"SEC. 1813-D. *Estimate to be submitted by the provincial agricultural supervisor to the provincial board.*—The provincial agricultural supervisor shall prepare an estimate showing the probable expense of carrying on the work of his office and of the local agricultural supervisors of the province for the period for which the regular estimates of other provincial expenses are made, and shall seasonably submit the same to the provincial board, together with such additional information as may be required as a basis for appropriation. The provincial agricultural supervisor shall furnish a copy of such estimates to the Director of Plant Industry.

"SEC. 1813-E. *Powers and duties of local agricultural supervisors.*—The local agricultural supervisor shall perform his duties under the direct supervision of the provincial agricultural supervisor. He shall have the following powers and duties.

"(a) He shall, subject to the direction of the provincial agricultural supervisor, exercise general supervision over the condition of agriculture in his district, and shall, within the same, enforce all agricultural legislation and regulations applicable and see to the proper prosecution of all violations thereof.

"He shall have authority to eliminate everything that may be a menace to agriculture in his district and to remove any cause of plant pest or disease and enforce the agricultural legislation and regulations applicable in such cases.

"(b) He shall provide himself with the necessary material and instruments for all urgent cases of plant disease or pest.

"(c) He shall prepare and propose to the municipal council or municipal councils of his district suitable ordinances or regulations for the promotion and protection of local agriculture.

"(d) He shall at least once a week or more frequently if necessary, inspect each barrio and sitio of his district and shall attend, free of charge, to the inquiries of planters and farmers for at least two hours weekly in the local government building or in any other available place that may be more suitable.

"(e) He shall, on request, personally assist poor planters and farmers, free of charge in combating any injurious plant pest and shall, when necessary, apply to the provincial agricultural supervisor for assistance.

"(f) He shall prepare and send to the provincial agricultural supervisor a quarterly report of his work and the condition of agriculture in his district.

"(g) He shall keep such records and statistics as the provincial agricultural supervisor may require.

"(h) He shall visit any place where an injurious plant pest or disease exists and shall take the measures provided by regulation and such others as may be necessary to prevent the spreading of such pest or disease. He shall whenever possible furnish to poor planters and farmers, free of charge, whatever may be required to combat a dangerous plant pest or disease.

"(i) He shall coöperate with the local agricultural supervisors of neighboring municipalities or municipal districts in combating any dangerous plant pest or disease.

"(j) He shall once a year or more frequently if necessary, deliver in each barrio or other suitable place in his district a public lecture in the local dialect, either directly or through an interpreter, on methods of cultivation of local importance in order to encourage the use of improved agricultural methods, and on the control and eradication

of diseases, weeds, insects and other pests injurious to cultivated plants.

“(k) He shall, whenever directed to do so by the provincial agricultural supervisor, attend conferences of local agricultural supervisors called by said provincial agricultural supervisor.

“(l) He shall perform such other duties as may be imposed upon him by the Director of Plant Industry and the provincial agricultural supervisor.

“SEC. 1813-F. *Office room and equipment for local agricultural supervisor.*—The office room and equipment for the local agricultural supervisor shall be provided by the municipality or municipalities or municipal district or municipal districts concerned.

“SEC. 1813-G. *Adequate stock of improved seeds, chemicals, implements, and other agricultural supplies.*—Each local agricultural supervisor shall have in his charge an adequate supply of improved seeds, chemicals, implements, and other supplies intended for the eradication of weeds, diseases, insects, and other pests injurious to cultivated plants. Articles from this stock may be sold at cost plus such reasonable surcharge as may be necessary to cover the cost of preparation and losses in transit or due to deterioration and other causes. The standing value of said stock shall not exceed two hundred and fifty pesos. The sale of said articles shall cease upon the establishment in the locality of any business enterprise engaged in the sale of agricultural supplies, in which case such stock shall be used exclusively for free public service.

“SEC. 1813-H. *Agricultural fund—How created.*—Each municipality or municipal district shall annually set aside a sum of not less than five per centum of its general fund, and each provincial board shall set aside from its general fund a like sum which, together with the sums set aside by the municipalities and municipal districts under its jurisdiction, shall constitute a special fund to be known as ‘agricultural fund.’

“SEC. 1813-I. *Use to be made of agricultural fund.*—The agricultural fund so created shall be deposited with the

provincial treasurer and shall be used only to pay the salaries and office and traveling expenses of the provincial agricultural supervisors, their subordinate personnel, and the local agricultural supervisors of the province, and the traveling expenses necessarily incurred by the same when proceeding from their place of residence to the place to which they were assigned upon being appointed, and for the purchase of improved seeds, chemicals, implements, and other supplies for the promotion and protection of agriculture to be issued to the municipalities and municipal districts concerned, and other incidental expenses in carrying out the purposes of this article.

"Provincial boards are hereby authorized to accumulate from year to year any unexpended balances in the agricultural fund existing at the close of each fiscal year, for the purposes of establishing agricultural schools or making other permanent improvements intended for the promotion of agriculture in the province.

"SEC. 1813-J. *Salaries of provincial agricultural supervisors, their subordinates, and local agricultural supervisors.*—The provincial boards, on recommendation of the Director of Plant Industry, approved by the Secretary of Agriculture and Commerce, shall fix the salaries of the provincial agricultural supervisors and their subordinates, and the salaries of the local agricultural supervisors. The salaries of the provincial agricultural supervisors shall not be less than twelve hundred pesos nor more than three thousand six hundred pesos per annum.

"SEC. 1813-K. *Substitute local agricultural supervisor.*—In case of illness or authorized leave, a local agricultural supervisor may, subject to the approval of the provincial agricultural supervisor, agree with another local agricultural supervisor to take his place, such service to be rendered without additional salary. In this case, the substitute agricultural supervisor shall be entitled to the traveling expenses and per diems that would accrue to the regular incumbent of the office. In case a local agricultural supervisor declines to render such service, the provincial agri-

cultural supervisor shall designate therefor any local agricultural supervisor he may see fit.

"SEC. 1813-L. *Regulations*.—The Director of Plant Industry, with the approval of the Secretary of Agriculture and Commerce, shall promulgate such regulations as may be necessary to carry out the purposes of this article."

SEC. 2. This Act shall take effect on its approval.

Approved, October 26, 1936.

5506



[COMMONWEALTH ACT NO. 649]

AN ACT TO REDUCE THE CONTRIBUTION OF
PROVINCES AND MUNICIPALITIES TO THE
AGRICULTURAL FUND.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section one thousand eight hundred thirteen-H of the Administrative Code, as inserted by Commonwealth Act Numbered Eighty-five, is amended to read as follows:

"SEC. 1813-H. *Agricultural fund—How created.*—Each municipality or municipal district shall annually set aside a sum of not less than three and not more than five *per centum* of its general fund, at the discretion of the provincial board and each provincial board shall set aside from its general fund a like sum which, together with the sums set aside by the municipalities and municipal districts under its jurisdiction, shall constitute a special fund to be known as 'Agricultural Fund.' "

SEC. 2. This Act shall take effect upon its approval.

Approved, June 16, 1941.

55772



[COMMONWEALTH ACT No. 100]

AN ACT TO FURTHER AMEND SECTION EIGHTEEN HUNDRED AND THIRTY-EIGHT OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, KNOWN AS THE REVISED ADMINISTRATIVE CODE, AS AMENDED BY ACT NUMBERED THIRTY-EIGHT HUNDRED AND TWENTY.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section eighteen hundred and thirty-eight of Act Numbered Twenty-seven hundred and eleven, known as the Revised Administrative Code, as amended by Act Numbered Thirty-eight hundred and twenty, is hereby further amended to read as follows:

"SEC. 1838. *Leasing of forest land for special purposes.*—The Director of Forestry, with the approval of the Secretary of Agriculture and Commerce, may, upon such terms as he may deem reasonable, lease or grant to any Filipino citizen or association of persons duly incorporated and authorized by the Constitution to acquire lands of the public domain, permits for the use of forest lands or vacant public lands not declared agricultural land, for a period not exceeding twenty years, for the establishment of sawmills, lumber yards, timber depots, logging camps and rights-of-way and for the construction of hotels, sanatoria, bathing establishments, residences, or for camps, fishponds, nipa and bacauan plantations, pastures for large or small cattle or for other lawful purposes, in an area not exceeding twenty-four hectares, except in so far as fishponds,

nipa and bacauan plantations, pastures and rights-of-way are concerned, for which the maximum area shall be two thousand hectares for pastures and two hundred hectares for fishponds and nipa and bacauan plantations; and for rights-of-way, the area of the land that may be leased shall be such as may actually and reasonably be necessary to carry out the purposes for which such lease is requested.

"Any person or association of persons occupying or using any part of the forest land or vacant public land not declared agricultural land without permit as above required shall be liable to the payment of twice the regular rentals now or hereafter provided for by regulations for such kind of use during such time that the area is illegally used or occupied."

SEC. 2. This Act shall take effect upon its approval.

Approved, October 28, 1936.

3226



[COMMONWEALTH ACT No. 412]

AN ACT TO REDUCE THE CADASTRAL COST DUE
FROM LANDOWNERS IN CADASTRAL SURVEYS
UNDERTAKEN BY PRIVATE CORPORATIONS
AND TO APPROPRIATE FUNDS FOR THE PUR-
POSE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. With the end in view of reducing the cadastral cost due from landowners in cadastral surveys undertaken and completed in accordance with the regulations of the Bureau of Lands by corporations created under Act Numbered Thirty-three hundred twenty-seven, the Secretary of Agriculture and Commerce is authorized to purchase, at a price not in excess of what the survey would have cost if the Government itself executed the same, the collectible fees of the said corporations due from landowners. The estimate of the cost of the survey in each case shall be made by the Director of Lands and shall be passed upon by the Auditor General. The reduction in cost which will result by virtue of the provisions of this Act shall redound to the benefit of the landowners.

SEC. 2. Payments to the corporations which desire to avail themselves of the provisions of this Act shall be in such number of annual instalments as the funds available for the purpose will permit. In addition to the collections which may be made under the provisions of section five of Act Numbered Thirty-three hundred twenty-seven, as amended by Act Numbered Three thousand four hundred fifty-two, the Cadastral Revolving Fund provided for in section one thousand eight hundred fifty-seven of the Administrative Code, shall be made available for the purpose of this Act.

SEC. 3. This Act shall take effect upon its approval.

Enacted, without Executive approval, September 15, 1938.

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 121

CREATING A GOVERNMENT QUARTERS COMMITTEE

In order to facilitate and coördinate the use and occupancy of National Government buildings, the construction of new quarters, and the rental of privately-owned property for such purposes, I, Manuel L. Quezon, President of the Philippines, by virtue of the powers in me vested by law, do hereby create a Government Quarters Committee to be composed of the Commissioner of the Budget, as Chairman, and the Auditor General and the Director of Public Works, as members.

The powers and duties of this Committee shall be as follows:

1. To consider and decide upon all objections or appeals that may arise from the assignment of quarters to branches, departments, bureaus, offices, agencies, and instrumentalities of the National Government in public buildings by the Director of Public Works, pursuant to the provisions of section one thousand nine hundred one of the Revised Administrative Code.

2. To act on all applications or proposals to rent privately-owned property for use as offices or storehouse by the National Government.

3. To study and advise the President of the Philippines on the advisability of constructing additional quarters for the National Government in the City of Manila and in the provinces.

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Executive Order Numbered Three hundred eighty-seven, series of nineteen hundred and thirty-two, and all other orders and regulations in conflict herewith are hereby revoked.

Done at the City of Manila, this sixth day of October, in the year of Our Lord, nineteen hundred and thirty-seven, and of the Commonwealth of the Philippines, the second.

MANUEL L. QUEZON

President of the Philippines

By the President:

ELPIDIO QUIRINO

Secretary of the Interior

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[COMMONWEALTH ACT No. 362]

AN ACT TO AMEND SECTION NINETEEN HUNDRED
AND SEVENTEEN OF THE ADMINISTRATIVE
CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section nineteen hundred and seventeen of the Administrative Code is amended so as to read as follows:

"SEC. 1917. *Letting of contracts for National public works.*—When any National public works of construction or repair involves an estimated cost of three thousand pesos or more, the contract therefor, shall, except as herein below provided be awarded by the Director of Public Works to the lowest responsible bidder after publication in the Official Gazette, in accordance with Act Numbered Twenty-nine hundred and thirty, for at least three times extending over a period of at least ten days: *Provided, however,* That in case of urgent necessity, the Director of Public Works may, with the approval of the President of the Philippines upon the recommendation of the Secretary of Public Works and Communications, execute by administration and without advertising for bids any public work costing three thousand pesos or more.

"In the case of National public works involving an expenditure of less than three thousand pesos, it shall be discretionary with the Director of Public Works either to proceed with the work himself or to let the contract to the lowest bidder after such publication and notice as shall be deemed appropriate or as may be, by regulation, prescribed."

SEC. 2. This Act shall take effect upon its approval.
Approved, August 22, 1938.

MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 115

REQUIRING THE APPROVAL OF THE SECRETARY OF PUBLIC WORKS AND COMMUNICATIONS IN THE CONSTRUCTION AND OPERATION OF ANY GOVERNMENT RADIO STATION AND AUTHORIZING THE GRANTING OF GENERAL AUTHORITY TO THE PHILIPPINE ARMY TO ESTABLISH AND OPERATE RADIO STATIONS FOR MILITARY PURPOSES.

Whereas, section nineteen hundred and thirty of the Revised Administrative Code provides that the Bureau of Posts, subject to the approval of the Department Head, shall have "the exclusive control and management of all telegraph and telephone lines and service, including submarine cables and wireless installations, now or hereafter under the jurisdiction or control of the Government of the Philippine Islands," except that "upon recommendation of the Director of Posts, approved by the Department Head, the President of the Philippines may authorize the establishment, by a provincial or municipal government or by any branch of the Insular service, of telephone lines to serve local or temporary interests, without being subject to the jurisdiction of the Bureau of Posts;"

Now, therefore, I, Manuel L. Quezon, President of the Philippines, by virtue of the powers in me vested by law, do hereby direct that, for the purposes of uniformity and efficiency, no branch of the Philippine Government shall construct, install, establish, or operate a radio station, either fixed or mobile, without having first obtained the recommendation of the Bureau of Posts and the approval of the Secretary of Public Works and Communications; and no requisition for radio station apparatus shall be filled by the

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Purchasing Agent of the Government unless the specifications for such apparatus have been approved by the Bureau of Posts: *Provided, however*, That the Secretary of Public Works and Communications may grant the Philippine Army general authority to construct, install, establish, or operate radio stations, either fixed or mobile, for military purposes: *Provided, further*, That requisitions of the Philippine Army for radio equipment and supplies shall be exempted from being coursed through the Bureau of Posts.

All call letters, with the exception of those of mobile stations for military tactical purposes, and frequencies for use of the Philippine Army for fixed and mobile radio stations, shall be assigned by the Secretary of Public Works and Communications, who shall be informed of the location of fixed stations, the name of ship or aircraft stations, and the power and type of apparatus. These stations (fixed and mobile) shall comply with the rules and regulations prescribed by the said Secretary to prevent and eliminate interference between radio stations. The call letters of mobile stations used for military tactical purposes may be allocated by the Philippine Army authorities concerned, such call letters to consist of any group of letters, figures or combination thereof which are not allocated to other radio communication services.

Executive Order Numbered Four hundred fifteen, dated March tenth, nineteen hundred and thirty-three, is hereby repealed.

Done at the City of Manila, this first day of September, in the year of Our Lord, nineteen hundred and thirty-seven, and of the Commonwealth of the Philippines, the second.

MANUEL L. QUEZON
President of the Philippines

By the President:
ELPIDIO QUIRINO
Secretary of the Interior

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[COMMONWEALTH ACT No. 278]

AN ACT TO AMEND SECTION NINETEEN HUNDRED
AND FORTY-SIX OF THE ADMINISTRATIVE
CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section nineteen hundred and forty-six of the Administrative Code, is amended so as to read as follows:

"SEC. 1946. *Conditions for admission of publications to second class.*—The conditions upon which a publication shall be admitted to the second class are as follows:

"(a) It must be issued at stated intervals, as frequently as four times a year, and bear a date of issue, and be numbered consecutively.

"(b) It must be issued from a known office of publication.

"(c) It must be formed of printed paper sheets, without board, cloth, leather, or other substantial binding, such as distinguish printed books for preservation from periodical publications.

"(d) It must be originated and published for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry, and have legitimate list of subscribers.

"(e) It must be sent by the publisher thereof, and from the office of publication, or from the office in which it is printed in the case of government publications, or from a news agency to actual subscribers thereto, or to other news agents.

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"Nothing in this section contained shall be so construed as to admit the second-class rate regular publications designed primarily for advertising purposes, or for free circulation, or for circulation at nominal rates.

"Periodical publications issued by or under the auspices of the Government of the Commonwealth of the Philippines, or any of its different branches and subdivisions, for the purpose of furthering the objects of the Commonwealth, may be admitted to the mails as second-class matter, except when such publications contain any commercial advertising matter.

"Publishers of matter of the second class may, without subjecting it to extra postage, fold within any regular issue a supplement; but in all cases the added matter must be germane to the publication which it supplements, that is to say, matter supplied in order to complete that to which it is added or supplements, but omitted from the regular issue for want of space, time, or greater convenience, and such supplement must in every case be issued with the publication, and bear the title and date of the publication which it supplements and its pages be numbered consecutively."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 3, 1938.

19500



[COMMONWEALTH ACT No. 269]

AN ACT TO AMEND SECTION NINETEEN HUNDRED
AND SIXTY-SIX OF THE ADMINISTRATIVE
CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section nineteen hundred and sixty-six of the Administrative Code is amended so as to read as follows:

"SEC. 1966. *Telegraphic transfers.*—Provision may likewise be made, for the convenience of the public, for the telegraphic transfer of funds between places in the Philippines having telegraphic offices conducted by the Bureau of Posts. The maximum amount which may be thus transferred upon any one day by one remitter and payable, directly or indirectly, to the same person, corporation, or firm, shall be two thousand pesos.

"The Director of Posts may authorize certain telegraph offices a regular maximum of five thousand pesos if the business transactions so warrant: *Provided, however,* That greater amounts may be remitted by telegraphic transfers upon specific authority by the Director of Posts."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 2, 1938.

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[COMMONWEALTH ACT No. 198]

AN ACT TO REPEAL SECTION NINETEEN HUNDRED
AND EIGHTY-NINE, AS AMENDED, AND TO
AMEND SECTION TWO THOUSAND AND TWO,
AS AMENDED, OF THE REVISED ADMINISTRA-
TIVE CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section nineteen hundred and eighty-nine, as amended, of the Revised Administrative Code is hereby repealed.

SEC. 2. Section two thousand and two of the Revised Administrative Code, as amended, is hereby further amended to read as follows:

"SEC. 2002. *Dormant accounts.*—On the first day of January nineteen hundred and thirty-seven and every two years thereafter, the Secretary of Public Works and Communications, upon recommendation of the Director of Posts, shall declare any bank account dormant when there has been no deposit, withdrawal, or other transaction at the request of the depositor for ten years after the end of the fiscal year in which the account was opened, or for ten years after stipulation period named in the application when the account was opened.

"Immediately following the declaration by the Secretary of Public Works and Communications, as above provided, the Director of Posts shall publish, once a week for three consecutive weeks in at least two newspapers of general circulation in the City of Manila, one in English and one in Spanish, a list, arranged in alphabetical order, of the depositors in whose names said accounts are carried in

the books of the bank, and said list shall, among other things, contain:

"(a) The name of the depositor and his beneficiary if one had been nominated.

"(b) The amount and date of the outstanding deposit.

"(c) The date when the person in whose favor the deposit stands died, if known, or the date when he made his last deposit or withdrawal.

"(d) The interest due on such deposit, if any, and the amount thereof."

SEC. 3. This Act shall take effect upon its approval.

Approved, November 18, 1936.

3498



[COMMONWEALTH ACT No. 394]

AN ACT AMENDING ARTICLE VIII, CHAPTER FIFTY-TWO OF THE ADMINISTRATIVE CODE, REGARDING THE PHILIPPINE POSTAL SAVINGS BANK.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section nineteen hundred and ninety-nine of the Administrative Code is repealed.

SEC. 2. Section two thousand and two of the Administrative Code, as amended by Commonwealth Act Numbered One hundred and ninety-eight, is further amended so as to read as follows:

"SEC. 2002. *Dormant accounts.*—On the first day of January, nineteen hundred and thirty-nine and every two years thereafter, the Secretary of Public Works and Communications, upon the recommendation of the Director of Posts, shall declare any bank account dormant when there has been no deposit, withdrawal, or other transaction at the request of the depositor for ten years after the end of the fiscal year in which the last transaction in the account was made, or for ten years after stipulation period named in the application when the account was opened.

"Immediately following the declaration by the Secretary of Public Works and Communications, as above provided, the Director of Posts shall cause to be posted in conspicuous places in every municipality and every chartered city of the Philippines, a printed list arranged in alphabetical order, of the depositors in whose names said accounts are carried in the books of the bank, and said list shall, among other things, contain:

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"(a) The name and last known place of residence or post office address of the depositor, and the name of his beneficiary, if one has been nominated.

"(b) The amount of his deposit including accrued interest thereon.

"(c) The date when the person in whose favor the deposit stands died, if known, or the date when he made his last deposit or withdrawal."

SEC. 3. Section two thousand and two—A of the Administrative Code, as inserted in said Code by Act Numbered Forty-two hundred and sixty, is amended so as to read as follows:

"SEC. 2002.—A. *Disposition of dormant accounts.*—At the expiration of one hundred and twenty days from the time the list hereinabove referred to are posted, the Director of Posts shall furnish the Solicitor-General with a list of outstanding dormant accounts in the Postal Savings Bank, to be prepared in the same manner as provided for in section two thousand and two of this Code together with sworn statements certifying as to the dates and places where the lists were posted and the latter shall commence an action or actions in the Court of First Instance of the City of Manila with the Philippine Postal Savings Bank as the party plaintiff and the depositors or their heirs and/or beneficiaries, if known, as parties defendant. Service of process in such action or actions shall be made by publication of a copy of the summons, once a week for three consecutive weeks, in the Official Gazette. Upon trial, the court shall hear all parties who have appeared therein and if it be determined that such deposits are dormant and unclaimed, as hereinabove stated, then the court shall render judgment in favor of the Philippine Postal Savings Bank declaring that such deposits have escheated to said bank and shall become a part of its earnings after all expenses in connection with the proceedings herein shall have been paid.

"At the time of publication of the summons in the action above provided for, the clerk of court shall likewise issue

a notice signed by him, giving the title and number of said action and referring to the complaint therein and directed to all persons, other than those named as defendants therein, claiming any interest in any deposit mentioned in said complaint and requiring them to appear within one hundred and twenty days after the date of the summons, and show cause, if any they have, why the deposits involved in said action should not be escheated in favor of the Philippine Postal Savings Bank, and notifying them further that if they do not appear and show cause, the said Philippine Postal Savings Bank will apply to the court for the relief demanded in the complaint. A copy of said notice shall be attached to, and published with a copy of, said summons required to be published as above, and at the end of the copy of such notice so published, there shall be a statement of the date of the first publication. Any person interested may appear in said action and become a party thereto. Upon completion of the publication of the summons and notice as hereinabove provided, the court shall have full and complete jurisdiction in the Philippines over said deposits and over the persons having or claiming interest in them or any of them, and shall have full and complete jurisdiction to hear and determine the issue therein and render the appropriate judgment thereon."

SEC. 4. Section two thousand and seven of the Administrative Code is amended so as to read as follows:

"SEC. 2007. *Who may open accounts.*—Any person over seven years of age and not suffering under legal disability other than minority, may have one personal savings account, provided no parental or guardianship account is open in the same person's name, but no such account may be opened or maintained in the names of two or more persons jointly, or in the name of any commercial firm or corporation. Personal accounts shall remain in the exclusive control of their owners regardless of the minority or marriage relations of the latter."

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SEC. 5. Section two thousand and thirteen of the Administrative Code is amended so as to read as follows:

"SEC. 2013. *Home savings boxes, thrift stamps, and cards.*—To facilitate deposits of small savings, home savings boxes and postal savings bank thrift stamps, hereinafter referred to as thrift stamps, of suitable denominations, shall be acquired by the Director of Posts with the approval of the Department Head and paid from the funds of the bank and issued and placed on sale at all banks and other places designated by the Director of Posts, at prices to be determined by the Director of Posts and approved by the Department Head.

"Thrift stamp cards shall be furnished free to purchasers of thrift stamps. Any stamp card filled with stamps to the value of one peso shall be accepted as cash for deposit at any bank.

"Postmasters and other employees to whom they are intrusted shall be charged with the same responsibility for home savings boxes as for accountable property and for thrift stamps as for money.

"Thrift stamps once sold shall not be redeemed for cash nor exchanged for postage stamps."

SEC. 6. Section two thousand and sixteen of the Administrative Code is amended so as to read as follows:

"SEC. 2016. *Amount and frequency of withdrawals.*—Withdrawals of not less than one peso may be made from each general savings account not oftener than once a week, including a withdrawal to close the account.

"Withdrawals from special-deposit accounts may be made only in accordance with the regulations of the bank."

SEC. 7. Section two thousand and nineteen of the Administrative Code is amended so as to read as follows:

"SEC. 2019. *Special withdrawals.*—The Director of Posts may, by regulation, provide that withdrawals not in excess of fifty pesos in each case may be paid by any local postmaster without first securing authority for such payment from the central office."

SEC. 8. Section two thousand and twenty-two of the Revised Administrative Code is amended so as to read as follows:

"SEC. 2022. *Time and manner of computing interest.*—Interest on a regular savings account shall be computed annually upon the lowest monthly balance during each calendar month the amount remains on deposit, and shall be placed to the credit of the depositor's account in the central office and thereafter draw interest.

"Interest shall be allowed only for the time the amount is of record as a deposit in the central office: *Provided, however,* That deposits recorded in the central office of the bank during the first five days of any calendar month shall be allowed interest from the first day of the month they are so recorded. No interest shall be computed upon fractions of a peso.

"Interest on special-deposit accounts shall be computed in accordance with the regulations of the bank."

SEC. 9. Section two thousand and twenty-three of the Administrative Code is amended so as to read as follows:

"SEC. 2023. *Accounts not to draw interest.*—No interest shall be allowed on general savings accounts upon which there has been no deposit, withdrawal, or other transaction at the request of the depositor for ten years after the end of the fiscal year in which the last transaction in the account was made, or for ten years after stipulation period named in the application when the account was opened, nor on money to the credit of any depositor in excess of six thousand pesos in addition to the amount represented by fire-arms certificates of deposit, except that deposits made by charitable, benevolent, or mutual aid societies, and labor unions as provided in section two thousand and nine, not in excess of ten thousand pesos, shall bear interest."

SEC. 10. Section two thousand and twenty-seven of the Administrative Code is amended so as to read as follows:

"SEC. 2027. *Title of beneficiary.*—The rights acquired by a beneficiary under such nomination shall not be greater

than he might have acquired as legatee under the depositor's will. Such nomination, if executed before the birth of a descendant of the depositor, shall be automatically rendered of no effect from the date of such birth."

SEC. 11. This Act shall take effect upon its approval.

Approved, September 5, 1938.

22328



[No. 4260]

AN ACT TO AMEND SECTION TWO THOUSAND AND TWO OF ACT NUMBERED TWO THOUSAND SEVEN HUNDRED AND ELEVEN, KNOWN AS THE REVISED ADMINISTRATIVE CODE, AS AMENDED BY ACT NUMBERED FOUR THOUSAND NINETY-THREE, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section two thousand and two of the Revised Administrative Code as amended, is hereby further amended by the addition of another section to be known as section two thousand and two (A) and the two sections shall read as follows:

"SEC. 2002. *Dormant accounts.*—On the first day of January following the approval of this Act and every two years thereafter, the board shall declare any bank account dormant when there has been no deposit, withdrawal, or other transaction at the request of the depositor for ten years after the end of the fiscal year in which the account was opened, or for ten years after stipulation period named in the application when the account was opened.

"Immediately following the declaration by the board, as above provided, that certain accounts in the bank are dormant, the Director of Posts shall publish, once a week for three consecutive weeks in at least two newspapers of general circulation in the City of Manila, one in English and one in Spanish, a list, arranged in alphabetical order, of the

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depositors in whose names said accounts are carried in the books of the bank, and said list shall, among other things, contain—

(a) The name of the depositor and his beneficiary if one had been nominated.

(b) The amount and date of the outstanding deposit.

(c) The date when the person in whose favor the deposit stands died, if known, or the date when he made his last deposit or withdrawal.

(d) The interest due on such deposit, if any, and the amount thereof.

“SEC. 2002—A. *Disposition of dormant accounts.*—The Director of Posts shall inform the Solicitor-General of the dormant accounts in the Bank by furnishing him a copy of the list mentioned in the preceding section and the latter shall commence an action or actions in the Court of First Instance of the City of Manila with the Philippine Postal Savings Bank as party plaintiff and the depositors or their heirs and/or beneficiaries, if known, as parties defendant. Service of process in such action or actions shall be made by publication of a copy of the summons once a week for three consecutive weeks in at least two newspapers of general circulation, one in English and one in Spanish, published in the City of Manila. Upon trial, the court shall hear all parties who have appeared therein and if it be determined that such deposits are dormant and unclaimed, as hereinabove stated, then the court shall render a judgment in favor of the Philippine Postal Savings Bank declaring that such deposits have escheated to said bank and shall become a part of its earnings after all expenses in connection with the proceedings herein shall have been paid.

“At the time of publication of the summons in the action above provided for, the clerk of Court shall likewise issue a notice signed by him, giving the title and number of said action and referring to the complaint therein and directed to all persons, other than those named as defendants therein, claiming any interest in any deposit mentioned in said complaint and requiring them to appear within sixty days

after the date of the summons, and show cause, if any they have, why the deposits involved in said action should not be escheated in favor of the Philippine Postal Savings Bank, and notifying them further that if they do not appear and show cause, the said Philippine Postal Savings Bank will apply to the Court for the relief demanded in the complaint. A copy of said notice shall be attached to, and published with the copy of, said summons required to be published as above, and at the end of the copy of such notice so published, there shall be a statement of the date of its first publication. Any person interested may appear in said action and become a party thereto. Upon completion of the publication of the summons and notice as hereinabove provided, the court shall have full and complete jurisdiction in the Philippine Islands over said deposits and over the persons having or claiming interest in them or any of them, and shall have full and complete jurisdiction to hear and determine the issue therein and render the appropriate judgment thereon."

SEC. 2. All proceedings, judicial or otherwise involving the disposition of dormant accounts in the Philippine Postal Savings Bank, commenced under the provisions of Act Numbered Thirty-nine hundred and thirty-six, are hereby declared null and void except where a final judgment thereon has been rendered by a competent court.

SEC. 3. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect upon its approval.

Approved, November 6, 1935.

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[COMMONWEALTH ACT No. 322]

AN ACT AMENDING SECTIONS TWO THOUSAND
AND TWENTY-NINE AND TWO THOUSAND AND
THIRTY-ONE OF THE REVISED ADMINISTRA-
TIVE CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The first, paragraph of subsection (m) of section two thousand and twenty-nine of the Revised Administrative Code is amended so as to read as follows:

“(m) In loans to provincial and municipal governments and chartered cities for the construction of permanent public improvements. These loans shall be repaid in not more than ten annual installments with interest at not to exceed six *per centum per annum*, payable quarterly. In case the province, municipality or chartered city which has contracted the loan fails to pay the principal or interest of any installment, the National Loan and Investment Board shall so notify the Collector of Internal Revenue, in the case of a province, the provincial treasurer, in the case of a municipality, or the city treasurer, in case of a chartered city, and such Collector of Internal Revenue, provincial treasurer, or city treasurer, as the case may be, is authorized and directed to retain from any revenues coming into his possession, belonging to the province, municipality or chartered city that contracted the loan, an amount sufficient to satisfy the sum due, and shall remit such sum to the National Loan and Investment Board.”

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SEC. 2. Section two thousand and thirty-one of the Revised Administrative Code is amended so as to read as follows:

"SEC. 2031. *Restriction upon investment or loans upon real property.*—No investment or loan shall be made upon a mortgage or deed on any property, including buildings thereon or upon the buildings or land alone, as hereinbefore provided, in an amount in excess of ten *per centum* of the total amount of the funds of the bank or for a longer time than ten years, but loans granted for a longer term than three years shall be repaid on monthly, quarterly, semi-annual or annual basis; and every loan shall be made upon the condition that it may be recalled by the Board in the event of any material depreciation of the value of the security, unless additional guaranty is given if required by the Board, or if any of the conditions of the loan are not complied with; and total investment upon such mortgages and deed shall in no event exceed in the aggregate seventy-five *per centum* of the total funds of the bank.

"In the consideration of applications for loans of Government institutions, the provinces, municipalities, and chartered cities will be given preference, in so far as the amounts applied for by them are within their borrowing capacity and duly recommended by the Department Head.

"Any real estate mortgage loan which may become overdue or payable may, in the discretion of the Board and on written application of the debtor made within six months before or thirty days after from the date the loan falls due, be renewed for a period not to exceed ten years, but loans so renewed shall be liquidated on monthly, quarterly, semi-annual, or annual amortization plan."

SEC. 3. This Act shall take effect upon its approval.

Approved, June 9, 1938.

19714



[COMMONWEALTH ACT NO. 246]

AN ACT PRESCRIBING THE FORM OF THE BUDGET
AND REGULATING THE EXPENDITURE OF AU-
THORIZED APPROPRIATIONS.

Be it enacted by the National Assembly:

SECTION 1. *Title.*—This Act shall be known as the
“Budget Act.”

SEC. 2. *Definition of terms used in this Act.*—The *Budget* is the financial program of the National Government for a designated fiscal year, consisting of statements of estimated receipts and expenditures for the fiscal year for which it is intended to be effective, based on the results of operations during the preceding fiscal years.

Ordinary income consists of the proceeds of the collection of taxes and other kinds of revenues and receipts regularly accruing to the Philippine Treasury by virtue of the operation of existing laws. Receipts which do not regularly accrue to the Government, the collection of which is indefinite, or does not depend entirely on the authority of the Government of the Commonwealth of the Philippines shall be classified as *extraordinary income*.

Ordinary expenditures are those that are necessary for the ordinary operation of the Government and are continuous or recurring in nature. All other kinds of expenditures shall be classified as *extraordinary expenditures*, including public works constructions, special projects, and investments.

SEC. 3. *Form of the Budget.*—The Budget, which shall be prepared and submitted to the National Assembly in ac-

cordance with the provisions of section 9, Article VI of the Constitution, shall comprise the general fund and all classes of special and trust funds under the care and control of the different branches or officers of the National Government.

The receipts accruing to any fund and the expenditures therefrom shall be shown in detail in conformity with the classification of accounts prescribed by the Auditor General, segregated into ordinary and extraordinary income and expenditures.

The appropriations for salaries and wages shall specify the positions, the number of each class, the respective designations, the salary rates authorized for the current year and those proposed for the ensuing year, and the items shall be grouped by bureaus and offices. The items of appropriations for each class of sundry expenses, furniture and equipment, and those for special purposes for the different bureaus and offices shall be consolidated for each corresponding department. Together with the proposed appropriations for each department, there shall be shown the amount of the actual expenditures for the preceding year and the estimated expenditures for the current and ensuing years from appropriations that are authorized by existing laws and from the special and trust funds.

SEC. 4. *Authority of the President to change the form of the Budget.*—The President is authorized to change, subject to the requirement of the Constitution, the form of the Budget or any feature thereof, to suppress any existing feature and to add any new feature, data or information which, in his opinion, may help toward a clearer presentation of the needs of the Government and the condition of its finances: PROVIDED, That such changes shall be valid and subsisting while the Assembly does not provide otherwise.

SEC. 5. *Budget to be balanced.*—The ordinary income shall be used primarily to provide for the ordinary operating expenses of the Government. Except in case of a national emergency or serious financial stress, the existence of which has been duly proclaimed by the President, the total authorized appropriations for the ordinary expenditures shall not exceed the ordinary income; and, unless extra-

ordinary circumstances justify it, the total estimated ordinary income shall not only cover the total estimated ordinary expenditures, but it shall leave a reasonable surplus besides. No appropriations for the ordinary operating expenses of the Government may be proposed, unless the amount thereof is covered by the ordinary income, and, likewise, no appropriation for any extraordinary expenditure, the amount of which is not covered by the estimated income from the existing sources of revenues or available current surplus, may be proposed, unless it be supported by a proposal creating an additional source of fund sufficient to cover the same.

SEC. 6. *Accrual of income to unappropriated general fund of the National Government.*—Unless otherwise specifically provided by law, all income accruing to bureaus, offices, and other units of the National Government by virtue of the provisions of existing laws, orders, and regulations shall be deposited in the Philippine Treasury or in any duly authorized depository of the Government by the officers or employees receiving them, and, except the receipts pertaining to special and trust funds, shall accrue to the unappropriated general fund of the National Government.

All receipts due the Government by virtue of the provisions of section two thousand and fifty-three of the Administrative Code, section ten of Act Numbered Forty-one hundred and sixty-six, and section forty-three of Commonwealth Act Numbered Eighty-three, shall accrue to the unappropriated general funds in the Philippine Treasury, any provision of law to the contrary notwithstanding.

Except in the case of receipts accruing to special funds derived from proceeds of taxes and fees specially imposed for specific purposes and to the revolving funds created by law, all unexpended balances of receipts collected by bureaus and offices of the National Government by virtue of laws which authorize expenditures payable therefrom, shall revert to the unappropriated general

fund in the Philippine Treasury at the end of the fiscal year in which collected.

SEC. 7. *Provisions governing the expenditure of authorized appropriations.*—Unless otherwise expressly provided in the law authorizing an appropriation, the following general and special provisions shall govern the expenditure of appropriations authorized by any annual General Appropriation Act and other acts:

I.—GENERAL PROVISIONS

(1) *Appropriations to be spent only for purposes for which appropriated.*—Unless otherwise expressly provided, all sums set aside in the appropriations shall be expended solely for the specific purpose for which appropriated, and for no other.

(2) *Reduction of expenditures.*—The President may order the reduction of the expenditures chargeable to appropriations authorized for the executive departments and their respective bureaus, offices, and dependencies whenever, in his opinion, the public interest so requires: PROVIDED, HOWEVER, That in case of reduction of salaries and wages, such reduction shall be general and based on the existing rates of salaries and wages, and the percentage of reduction shall be uniform for similar rates of salaries and wages.

(3) *Certification as to availability of funds.*—No funds shall be disbursed, and no requisition or order for the purchase of supplies and materials and for the purchase, manufacture, or repair of furniture and equipment chargeable to any appropriation or fund shall be made by any chief of bureau or office without first securing the certification of the corresponding Accounting Officer as to the availability of funds or appropriation against which the expenditure or obligation may properly be charged.

(4) *Allotment of lump-sum appropriations and special and other funds; plantilla of personnel.*—The provisions of any law to the contrary notwithstanding, expenditures from lump-sum appropriations authorized for any executive department in any annual General Appropriation Act or other act and from all special, bond, trust, and other funds shall be made in accordance with a budget to be approved by the

President, which shall include the plantilla of personnel, showing the number of each kind of positions, the designations, the salary proposed for the fiscal year for which the appropriation is intended and the salary actually received. This provision shall be applicable to all revolving funds, receipts which are automatically made available for expenditure for certain specific purposes, aids and donations for carrying out certain activities, or deposits made to cover the cost of special services to be rendered to private parties.

Except when stipulated otherwise as a condition for the expenditure of an aid or donation, and in the case of officers and employees receiving higher rates at the time of the approval of this Act, no officer or employee whose salary, not being fixed by law, is paid from any lump-sum appropriation or from any special, bond, trust, revolving, or other fund, shall receive a compensation of more than twelve pesos per day or more than three hundred pesos per month. This limitation shall not apply to the appropriations for "expert and technical personnel" under the Office of the President and the various executive departments.

In the case of any lump-sum appropriation for salaries and wages of temporary laborers and employees provided in any General Appropriation Act or other act, the expenditure of such appropriation shall be limited to the employment of laborers paid by the month, by the day, or by the hour, and of emergency employees other than laborers, who, except those authorized for the National Assembly, the office of the President, the Bureau of Health, the craftsmen, helpers, and other employees of the Bureau of Printing, the justices of the peace, the officers and employees of the Bureau of Public Works whose salaries and wages are payable from appropriations for projects authorized in any act, and the officers and employees of the Bureau of Quarantine Service, shall, in no case, be paid a salary in excess of forty pesos per month, nor shall their employment continue for more than six months.

(5) *Reversion of unexpended balances of appropriations.*—Except appropriations for the national defense pur-

suant to Commonwealth Act Numbered One, the unexpended balances of appropriations authorized in any annual General Appropriation Act shall revert to the unappropriated general fund in the Philippine Treasury at the end of the fiscal year for which such appropriations are authorized, and shall not thereafter be available for expenditure except by subsequent legislative enactment.

SALARIES AND WAGES

(6) *Determination of rate of compensation of positions.*—Whenever a specific number of positions is provided in an item of an appropriation authorized in any act, the sum appropriated in such item shall be understood to be equally divided among the positions so provided, and the maximum rate of compensation per annum of each position is thereby determined.

All annual salaries shall be divided into twelve equal installments, one of which shall be the pay for each calendar month; and in making payment for part of a month the amount to be paid for each day shall be determined by dividing the monthly pay into as many parts as there are days in the particular month.

(7) *Filling of vacancy by appointment of person or persons in lower grade.*—With the prior approval of the President of the Philippines, a vacancy in a position of any grade may be filled by the appointment of one person or more of a lower grade within the same service classification; but in such case the aggregate of salaries paid shall not be greater than the salary authorized by law for that position.

(8) *Authority to receive additional compensation.*—Any provision of law to the contrary notwithstanding, officers and employees who are appointed or designated by competent authority to serve as chairmen, members, or officers of the committee for the holding of bar examinations or of the examining boards mentioned in section ten of Act numbered four thousand and seven and the boards that have been established, or may hereafter be established, by law to govern the operation of government owned or controlled enterprises, may, in the discretion of the President, be al-

lowed to receive compensations at rates which he shall fix and subject to such conditions as he may prescribe, in addition to the salary authorized for the regular position of each officer or employee concerned. Such additional compensation shall be payable from the fees collected by the examining boards, and from the special funds under the respective control of the other boards, as the case may be.

(9) *Compensation of persons receiving pension.*—A person receiving life pension, annuity, or gratuity from the Government of the Commonwealth of the Philippines or any province, city, municipality, or other subdivision thereof, or from any government owned or controlled entity or enterprise, who is reappointed to any position, the appropriation for the salary of which is provided from funds of the said Commonwealth Government or any province, city, municipality, or other subdivision thereof, or from any government owned or controlled entity, or enterprise, shall have the option to receive either the compensation for the position, or the pension, gratuity, or annuity; but in no case shall he receive both.

(10) *Prohibition from acceptance of voluntary service.*—No person shall be employed or appointed in the government service, under the guise of voluntary service, without compensation but with privilege of reimbursement of traveling expenses, or of receiving per diems, subsistence, or quarters payable from public funds, in the absence of a specific position therefor or specific legislation authorizing the creation of such position: PROVIDED, That, in case of emergency and when authorized by the President, the application of this provision may be waived in the case of voluntary service in the Philippine Army, State Police, Office of Adult Education, Bureau of Health, hospitals, and penal institutions.

ALLOWANCES

(11) *Subsistence.*—No officer or employee of the National Government shall be given subsistence, the cost of which is payable from any public fund, except the following and

only when an appropriation therefor is specifically provided:

(a) Marine officers, engineers and crew of the government vessels, launches, and motor boats, who shall take their meals in the mess on board the vessels, launches, or motor-boats when on duty during meal time;

(b) Lightkeepers and other employees in light stations duly authorized by the head of department to receive subsistence, who shall be furnished raw, canned, or preserved food materials;

(c) Officers and employees who are required to render service within the premises of hospitals, prisons, Philippine Army barracks, training schools, leper institutions, and other similar institutions during a continuous period covering meal time allowing full subsistence when required to live in said premises to make their services available at any and all time: PROVIDED, That said subsistence shall be furnished in kind, requiring those entitled thereto to take their meals in the mess provided therefor and maintained at the expense of the Government, and under no condition shall the same be commuted or paid in cash, except to the Director and the Assistant Director of Prisons and employees of the Bureau of Quarantine Service at such rates as may be provided for them in the annual General Appropriation Act; to enlisted men of the Philippine Army as provided in the Army Regulations; and to the following officers and employees who have, heretofore, been allowed such commutation, at rates not exceeding one-half of the maximum rates of per diems authorized in paragraph (18), General Provisions, of this section:

(1) District nurses of the Bureau of Health and nurse-social workers of the Bureau of Public Welfare in Manila while assigned to render service outside of hospitals or welfare institutions;

(2) Officers and employees in leper institutions;

(3) Physicians, pharmacists, dentists, sanitary inspectors, attendants, and nurses of the Bureau of Prisons while no available government quarters can be provided for them;

(d) In those cases where laborers are employed on work located in isolated or unsettled districts, they shall be furnished the usual rations or the equivalent in cash, at the expense of the Government.

(12) *Subsistence of crew of government vessels.*—The subsistence allowance for the officers and crew of the coast-guard and revenue cutters and lighthouse tenders and other large vessels operated by the Government shall be spent for conducting a mess under the charge and administration of one or more members of the complement in each vessel to be designated by the corresponding head of department, and in accordance with regulations to be issued by him. The person or persons so designated shall keep an account of the advances of funds received by the same and expenditures made therefrom for the operation of the mess and shall render such report to the corresponding Accounting Officer promptly at the end of each month in such form as the Auditor General shall prescribe.

(13) *Furnished quarters.*—When the position of any officer or employee is provided with "furnished quarters," such officer or employee shall be entitled to the use of such government-owned furniture and equipment as are necessary for his board and lodging and those for his wife or her husband, and children below twenty-one years of age.

(14) *Laundry.*—At the discretion of the corresponding head of department, any officer or employee of the National Government serving in any hospital, penal institution, or other institution, who is required to wear a uniform during the performance of his duties, may be granted laundry allowance in kind.

(15) *Expenses for transportation, medicine, and medical attendance of employees contracting illness in line of duty.*—Employees engaged in any authorized work in places where ordinary medical attendance is not available shall be entitled to such necessary expenses for transportation, medicine, and medical attendance, as may be authorized by the corresponding department head, in cases of illness contracted in line of duty.

(16) *Prohibition against the grant of allowance for use of private automobiles.*—No officer or employee of any department, bureau, office, agency, or instrumentality of the National Government shall be paid any allowance, directly or indirectly, for the use of his own automobile on official business, payable from any appropriation or fund provided in any General Appropriation Act or other act.

TRAVEL EXPENSES

(17) *Manner of payment of travel expenses.*—Travel expenses shall be allowed either in the form of payment of the travel expenses actually and necessarily incurred, or, in the discretion of the chief of bureau or head of office, by the payment of per diems, or fractional per diems, in lieu of expenses other than transportation. The expenses actually and necessarily incurred for subsistence and lodging in excess of the authorized rates of per diems may be reimbursed upon the approval of the proper head of department when the prevailing conditions in the places visited so justify.

When travel is done by water and subsistence is not included in the transportation, the amount actually and necessarily expended for subsistence shall be paid, and no per diem shall be allowed in lieu thereof.

Per diems shall not be allowed to members of field parties or others for whom subsistence in kind is supplied or other special provision made to cover travel expense.

The travel expenses of a government official or employee who may be assigned to render a special service to any private person or entity, the expenses for which are payable by such private person or entity, shall be paid, subject to the limitations and requirements herein provided for travel expenses payable from government funds, from the deposit which the private party shall be required to make before the performance of the special service may be commenced.

No officer or employee of the Government who remains temporarily at one station for a longer period than one month shall be paid per diems in excess of one month,

except upon the approval of the proper head of department, and, in case his temporary stay in any one place exceeds three months, payment to him of per diems in excess of three months shall be made only upon the previous approval of the President.

(18) *Schedule of per diems for officers and employees of the National Government.*—Per diems, when allowed, shall be fixed with the approval of the corresponding head of department at rates not to exceed the following:

(a) For officers and employees receiving a salary of two thousand pesos or less per annum, a per diem of not to exceed two pesos;

(b) For those receiving more than two thousand pesos per annum, but not exceeding four thousand pesos per annum, a per diem of not to exceed three pesos;

(c) For those receiving more than four thousand pesos per annum, but not exceeding six thousand pesos per annum, a per diem of not to exceed four pesos;

(d) For those receiving more than six thousand pesos per annum, a per diem of not to exceed five pesos.

Any officer or employee whose compensation is fixed at other than the per annum basis may be given the rate of per diem authorized for that receiving compensation on the corresponding per annum basis.

(19) *Per diems for officers of the United States Army, Navy, Quarantine Service, etc.*—Officers of the United States Army, Navy, Quarantine Service and other branches of the Government of the United States detailed for duty with the Government of the Commonwealth of the Philippines, may be paid, when traveling on official business of the latter, the rate of per diems authorized for their regular positions under the regulations in force in the Federal Service to which they respectively pertain.

(20) *Transportation of members of family of an employee transferred from one station to another.*—Whenever, due to the requirement of the service and not at his own request, an officer or employee is transferred from one station to another, said officer or employee and his wife or her husband, and children below twenty-one years of age

shall be entitled to transportation, including that of their baggage and household effects, at the expense of the Government, to be paid from the appropriation for traveling expenses of the bureau or office concerned.

RENTAL OF BUILDINGS AND GROUNDS

(21) *Availability of appropriations for rental of buildings and grounds.*—An appropriation authorized in any act for rental of buildings and grounds for any department, bureau, or office shall be available for expenditure only when authorized by the head of department concerned.

CONSUMPTION OF SUPPLIES AND MATERIALS

(22) *Application of appropriation for consumption of supplies and materials.*—No part of any appropriation for consumption of supplies and materials authorized in any General Appropriation Act or any other act shall be used for the manufacture of equipment and the construction of new buildings, except buildings of light materials in emergency cases or used in connection with research or experimental purposes, nor for other construction projects requiring special appropriations.

The phrase "buildings of light materials" shall be taken to mean those with (1) posts of bamboo or soft wood, (2) floor and roof framings of soft wood or bamboo, (3) sidings and partitions of soft wood and windows of sawali, bamboo, nipa, and soft wood, and (4) roof of nipa, cogon, or any other similar material.

(23) *Economy in the use of supplies, materials, and equipment.*—Supplies, materials, and equipment purchased from any public fund shall be used only for the necessary and actual requirements of the official or employee concerned in the performance of his official duties. In the case of gasoline and other fuel supplies and lubricating oil for use of government automobiles, other motor vehicles, vessels, and watercrafts, a detailed report shall be submitted monthly to the General Auditing Office by the official or employee responsible for the operation thereof, showing the official trips made, places visited, distance traveled, time consumed, list of passengers, quantities of

gasoline, fuel supplies and oil received, quantities on hand, and such other data as may be necessary for the proper determination of the quantities of supplies actually and necessarily consumed in connection with the performance of official duties. The Auditor General shall prescribe such supplementary rules and regulations as may be necessary for the effective enforcement of this provision.

The National Assembly and the Executive Office are exempted from submitting the report herein required.

(24) *Restriction of use of appropriation for "other services."*—The appropriation for "other services" of any department, bureau, or office shall be available only for minor items of contingent expenses that do not properly fall under any of the other items of sundry expenses. In no case shall any part of an appropriation for this purpose be used for the hire of laborers' services, or for contracting the same, in connection with the construction of any project which should be financed with an appropriation specially authorized therefor.

(25) *Restriction in the purchase of automobiles and other vehicles.*—No fund of the National Government, general or special, and no appropriation or allotment therefrom shall be available, directly or indirectly, for the purchase of any automobile, auto-jitney, or station wagon, unless specifically authorized in the act creating the special fund or authorizing the appropriation or allotment, as the case may be. Neither shall it be lawful for any province, subprovince, city, or municipality to purchase an automobile, auto-jitney, or station wagon, intended to be donated to any branch of the National Government, without the prior approval of the President of the Philippines. Appropriations for such items as other services, miscellaneous expenses, contributions and gratuities, transportation equipment, motor vehicles, other equipment, and other general terms shall not be understood to include the purchase of automobiles, auto-jitneys, and/or station wagons.

MISCELLANEOUS

(26) *Scholarships.*—Any appropriation for "scholarships in the United States, in foreign countries or in the Philip-

piners" shall be spent in accordance with such rules as may be prescribed by the President. Such appropriation shall also be available for the expenses of any officer or employee of the Government who may be designated by the President to complete his professional or vocational training or to do further work of investigation or study for the benefit of any branch of the public service or of any matter of interest to the Commonwealth Government of the Philippines.

No institution or office receiving financial aid from the National Government shall send any pensionado abroad unless specifically authorized by the President.

(27) *Payment of prior year's obligations.*—Outstanding obligations not exceeding an aggregate of one hundred pesos for each item of expenditure corresponding to any previous year may be paid from any saving to be made from the corresponding item of the current appropriation of the bureau or office concerned, upon approval of the head of department concerned, but without prejudice to the administrative liability of the officer or employee responsible therefor.

(28) *Allotment of aid to specially-organized provinces.*—The appropriations for aid to the specially-organized provinces for expenses of general administration of the same, shall be allotted by the head of department concerned exercising control and supervision over the finances of the said specially-organized provinces in amounts not exceeding the excess of their ordinary operating expenses over their regular income for the corresponding year.

(29) *Minor and emergency repairs on vessels.*—Minor and emergency repairs on vessels away from Manila may be made at the nearest accessible point.

(30) *Limitation on the maintenance, repairs, and minor alterations of buildings to be undertaken by bureau or office concerned.*—Whenever any work is to be undertaken for the maintenance, repairs, and minor alterations of buildings occupied by a bureau or office of the National Government, the cost of which does not exceed five hundred pesos for any one project, the bureau or office concerned may

directly undertake the work without the intervention of the Bureau of Public Works, after an allotment of the necessary amount has been made by the Secretary of Public Works and Communications from the appropriation for the purpose.

(31) *Blankets and mosquito bars for members of field parties.*—The item "furniture and equipment shall include blankets and mosquito bars for use of members of parties in the field who are not entitled to per diems.

(32) *Additional compensation for overtime service.*—Officers and employees of the National Government, except secretaries and undersecretaries of departments, chiefs of bureaus and offices, and those occupying positions of similar category, when working overtime on Saturdays, Sundays, holidays, or during half-day sessions, and after five o'clock post meridian on regular working days to finish work that must be completed within a specified time, when authorized by the President, may be paid from any unexpended balance of the appropriation for salaries and wages authorized in any annual General Appropriation Act, compensation at rates to be fixed by the heads of departments concerned, with the approval of the President, which shall not exceed the rate of their regular compensation. Such additional compensation shall not exceed, for any one month, the equivalent of the regular compensation, nor shall it exceed, for any one year, fifty per centum of such regular compensation.

Section sixteen hundred and fifty-six of the Administrative Code shall remain in force, the provisions herein contained to the contrary notwithstanding.

(33) *Accounting and auditing personnel for new bureaus and offices.*—Whenever a new bureau, office, or unit of the National Government is created or established in accordance with law or regulation, the appropriation or allotment for its creation or establishment shall be construed as including the amounts necessary to provide such new bureau, office, or unit with adequate personnel for the work of accounting and auditing under the Budget Office and the General Auditing Office, respectively, to be determined by the President.

II.—SPECIAL PROVISIONS

NATIONAL ASSEMBLY

(1) *Item for "other services" of the National Assembly.*—The item for "other services" of the National Assembly shall include the funeral expenses of Members of the National Assembly and all other expenses not specifically provided for in the appropriations for the same when authorized by resolution.

A part of this item may be spent for subsistence of Members, officers, and clerks working overtime.

OFFICE OF THE PRESIDENT

(2) *Additional compensation for the aide-de-camp of the President.*—Any officer of the United States Army or the Philippine Army detailed as aide-de-camp of the President shall be paid such additional compensation as the President may fix within the authorized appropriation.

GENERAL PURPOSES

(3) *Expenses for official receptions and entertainments.*—The sum set aside under "special appropriations" for "other expenses" may be used for the expenses of the President or, with his approval, of any of the members of the cabinet, for official receptions and entertainments.

DEPARTMENT OF THE INTERIOR

OFFICE OF THE COMMISSIONER FOR MINDANAO AND SULU

(4) *Special scholarships.*—The appropriation "for special scholarships" shall include cases of selected individuals whose professional training or inclination may, in the opinion of the Secretary of the Interior, specially tend to facilitate a permanent and complete fusion of the Christian and non-Christian elements populating the provinces of the Archipelago.

DEPARTMENT OF FINANCE

DIVISION OF PURCHASE AND SUPPLY

(5) *Division of Purchase and Supply surcharge.*—For services rendered and supplies furnished, the Division of

Purchase and Supply shall charge the cost thereof, plus, in the case of provinces, subprovinces, cities, municipalities, and government owned or controlled enterprises, a surcharge of not exceeding three per centum. It shall not impose any surcharge for any service rendered by it to the National Government.

BUREAU OF CUSTOMS

(6) *Subsistence of employees of light stations.*—The corresponding head of department may grant subsistence in kind to employees of light stations whenever he shall deem it necessary in the interest of the service.

(7) *Transportation of wives and children of lightkeepers.*—The item for “traveling expenses of persons other than government employees” shall be available for covering the cost of transportation of the wives and children of newly appointed lightkeepers from their places of residence to their stations.

BUREAU OF INTERNAL REVENUE

(8) *Additional compensation for officers and employees proficient in foreign languages.*—Any saving of the appropriations for the Bureau of Internal Revenue for any year may be used for the payment during the same year of additional compensation of ten per centum of the regular salary of officers and employees of the Bureau of Internal Revenue who have demonstrated proficiency in the examination of books of accounts in a language other than English, Spanish, or native for internal revenue tax purposes, of merchants engaged in business in the Philippines. The granting of the said additional compensation shall be made by the Secretary of Finance upon the recommendation of the Collector of Internal Revenue.

DEPARTMENT OF JUSTICE

BUREAU OF PRISONS

(9) *Various expenses chargeable to “consumption of supplies and materials.”*—The item for “consumption of supplies and materials” shall include articles for athletic sports and entertainment for the prisoners, and tobacco

for the same; clothing and shoes for members of the Bilibid band, Bilibid boy scouts, and Bilibid trusty police; clothing and meals for prisoners, and families of penal colonists; and meals of guards rendering not less than twelve hours' service daily.

(10) *Use of appropriation for "traveling expenses of persons not government employees."*—The item for "traveling expenses of persons not government employees" shall include transportation of discharged prisoners. When, in the judgment of the Secretary of Justice, a prisoner merits consideration, his wife, family or fiancée may be permitted to join him, and the transportation from their homes to the penal colonies of Iwahig, San Ramon, or Davao may be paid under this item.

The transportation of free colonists and their families, and the transportation of families of employees receiving less than seven hundred and twenty pesos per annum from the colony to their homes and return, may be paid under this head, when, in the judgment of the Secretary of Justice, such free colonists or families of employees merit such consideration.

(11) *Use of appropriation for "contributions and gratuities."*—The appropriation for "contributions and gratuities" shall be used for furnishing each discharged prisoner with an outfit of clothing costing not more than ten pesos, and a gratuity not to exceed fifteen pesos on his release; for furnishing clothing and gratuities to deported prisoners; if, in the discretion of the Secretary of Justice, the taking of such a step is necessary; and for payment of gratuities to prisoners or colonists performing duties of trust, at a rate not to exceed ten pesos per month each.

DEPARTMENT OF AGRICULTURE AND COMMERCE

(12) *Quarters for officers and employees under the Department of Agriculture and Commerce.*—The Secretary of Agriculture and Commerce may authorize the following officers and employees of bureaus and offices of the department to lodge free of charge in government buildings controlled by the same: the superintendents, officers, and employees of the seed farms, nurseries, experimentation and

propagation stations, stock farms, slaughterhouses, breeding and quarantine stations, provincial land and forest offices and stations, Alabang laboratories and experiment stations whose salaries and wages are payable from the appropriations provided in any General Appropriation Act or other act. The officers and employees herein mentioned shall not be allowed to lodge in rented buildings without requiring them to reimburse to the Government their corresponding reasonable share of the rent.

(13) *Use of appropriation for contributions and gratuities for entertainment purposes.*—The Secretary of Agriculture and Commerce may authorize the expenditure of the appropriations for “contributions and gratuities” for the entertainment of foreign or local scientists and agriculturists visiting propagation stations, seed farms, nurseries, stock farms, slaughterhouses, breeding and quarantine stations of the bureaus under the said department.

BUREAU OF LANDS

(14) *Unexpended balance of annual appropriations for Bureau of Lands available for reimbursement of cost of surveys.*—Any unexpended balance of the appropriations made in any annual General Appropriation Act for the Bureau of Lands may be used for reimbursement of the cost of surveys as required by section 92(b) of Act No. 2874.

WEATHER BUREAU

(15) *Transportation of family of any employee detailed to a Weather or Meteorological Station.*—The Director of the Weather Bureau, subject to the approval of the head of department, may pay from the appropriation authorized for “traveling expenses,” for the transportation, both ways, of the family of any employee from his residence to the weather or meteorological station in or outside of the Philippines, to which he may be detailed.

DEPARTMENT OF PUBLIC WORKS AND COMMUNICATIONS

(16) *Limitation of the use of appropriation “for contracting vessels for the coastwise trade.”*—Any appropriation “for contracting vessels for the coastwise trade” shall be available only for contracting vessels for the coastwise

trade of the Philippines for the purpose of establishing or maintaining the service on such lines as may be necessary, or of assuring the transportation of government cargo and passengers on such terms as may be deemed advisable, said contracts not to extend beyond the thirty-first day of December of the year for which the appropriations are authorized, and to be approved by the President, on recommendation of the Secretary of Public Works and Communications.

BUREAU OF PUBLIC WORKS

(17) *Bureau of Public Works surcharge.*—All expenses of the Bureau of Public Works for services which can be allocated shall be charged to the projects or works concerned: PROVIDED, That when the services of the Bureau of Public Works in connection with any project pertaining to any provincial, city, or municipal government or government owned or controlled enterprises are purely administrative or supervisory, the charges for said services shall not exceed three per centum of the total cost of the project.

The Bureau of Public Works shall not impose any surcharge for any work undertaken by it for any branch of the National Government, nor for any project at least fifty per centum of the appropriation for which comes from the National Government.

(18) *Supervision of the Bureau of Public Works over all national and provincial public works projects.*—All national and provincial public works projects shall be carried on under the supervision of the Bureau of Public Works, unless otherwise directed by the Secretary of Public Works and Communications.

The compensation of employees used temporarily on any special project shall be paid only from the funds of such project.

(19) *Operation of a Central Garage.*—With the exception of ambulances, mail delivery trucks and motorcycles, all motor transportation equipment owned by the different departments, bureaus, offices, and dependencies of the National Government in the City of Manila, together with their cor-

responding personnel, other equipment, accessories, spare parts, supplies, materials, and appropriations, shall, beginning January first, Nineteen hundred and thirty-eight, be transferred to, and kept in, a Central Garage, to be operated and maintained under the control and management of the Bureau of Public Works, under such rules and regulations as the Secretary of Public Works and Communications may prescribe.

Upon the request of the chief of any bureau or office or his authorized representative, the Central Garage shall furnish motor transportation for official business to any officer or employee of the National Government in the City of Manila, charging the cost of such service against the corresponding bureau or office, at rates to be fixed by the Secretary of Public Works and Communications. The appropriations and assets to be transferred to the Central Garage in conformity with the provision of the preceding paragraph, together with such additional appropriation as may be authorized for the operation and maintenance of the same, shall constitute a revolving fund to be used exclusively for the purpose. All the income derived from the operation of the Central Garage shall accrue to the said revolving fund and shall be used only for the same purpose. The revolving fund herein created may be spent for necessary replacement of worn out or unserviceable equipment, and/or acquisition of additional equipment, including automobiles, auto-jitneys and station wagons.

Except in cases of emergency, or when the Central Garage is unable to supply the demand for motor transportation, no officer or employee of the National Government shall use for official business in the City of Manila motor vehicle transportation facilities other than those operated by the Central Garage.

The provisions of this subsection shall not apply to the National Assembly.

When the interest of the service requires, the President may exempt any bureau, office, or officer from the application of the provisions of this subsection.

(20) *Allotment of appropriations for maintenance and repair of public buildings, etc.*—Whenever not otherwise specifically provided, appropriations which may be authorized for the maintenance and repair of public buildings, monuments and adjacent grounds, roads, trails and bridges; cable and telegraphic lines and radio stations; and for investigation of applications for the use of water, for adjudication of water rights, for gaging streams, and for maintenance and operation of any irrigation system shall be allotted by the Secretary of Public Works and Communications.

(21) *Charging of traveling expenses of district engineers.*—The traveling expenses of district engineers assigned to provinces shall be paid from the funds available for authorized works within the province.

(22) *Telephone installations for bureaus and offices.*—Bureaus and offices of the National Government may directly deal with a telephone company for the installation, transfer, or removal of telephones in their respective offices, without the intervention of the Bureau of Public Works.

BUREAU OF POSTS

(23) *Quarters and light for operator and engineman assigned to radio stations.*—Any operator or engineman of the Bureau of Posts assigned to any radio station occupying a government owned building shall be entitled to quarters and light.

DEPARTMENT OF PUBLIC INSTRUCTION

BUREAU OF EDUCATION

(24) *Subsistence and quarters for teachers assigned to special school or dormitory duty.*—The Secretary of Public Instruction may allow quarters in kind to teachers assigned to dormitory duty, and also subsistence equal to that furnished to students at such dormitories. He may, likewise, authorize teachers assigned to farm or agricultural schools under the jurisdiction of the Bureau of Education to lodge free of charge in buildings owned by the national, provincial, or municipal governments under the control of

the Department of Public Instruction in the localities where the farm or agricultural schools are situated. In the case of buildings not under the control of the Department of Public Instruction, the authority herein conferred upon the head of this department shall be exercised only after securing the consent of the head of department having control thereof.

(25) *Honoraria for teachers giving instruction during vacation periods.*—Teachers designated to give instruction in the annual vacation assemblies, and in the arts and trades, agricultural, and commercial schools during the vacation period, may be paid honoraria at rates not exceeding three-fourths of their respective monthly salaries, provided there is appropriation available therefor.

(26) *Collection of tuition fees in annual teachers' vacation assemblies.*—When the authorized appropriation for the payment of honoraria to teachers giving instruction in the annual vacation assemblies is not sufficient to secure the needed personnel, the Director of Education, with the approval of the Secretary of Public Instruction, may charge such tuition fees for admission into said assemblies as are necessary to cover the deficiency.

(27) *Use of proceeds of matriculation fees.*—Whatever amount is derived from matriculation fees in provinces, cities, and municipalities shall accrue to the school funds of the province, city, or municipality concerned and shall be appropriated by the respective provincial, city or municipal board or council primarily for the purchase of library books and periodicals and for athletic purposes. Any amount not needed for the said purposes may be used to meet other school needs.

(28) *Subsistence for students at the School for the Deaf and the Blind, the Central Luzon Agricultural School, and the Philippine Nautical School.*—In the discretion of the Secretary of Public Instruction, subsistence in kind while in attendance at the school may be furnished to the pupils of the School for the Deaf and the Blind and the Central Luzon Agricultural School, and to students of the Philippine Nautical School detailed to complete their studies in

the practice of navigation on vessels owned by the National Government, payment to be effected from the funds provided by the current appropriation for consumption of supplies and materials for the Department of Public Instruction. In lieu of such subsistence, the students attending the Central Luzon Agricultural School may be granted, in the discretion of the Secretary of Public Instruction, the use of animals, equipment and land not exceeding one and one-half hectares.

BUREAU OF HEALTH

(29) *Reimbursement by provinces of one-half of the salaries of district health officers.*—The amounts paid by provinces for the reimbursement of one-half of the salaries of district health officers in accordance with Act Numbered Thirty-two hundred and ninety-seven shall accrue to the unappropriated surplus of the general fund in the Philippine Treasury.

(30) *Payment of traveling expenses of local health officers and employees.*—In case of emergency and upon approval of the Secretary of Public Instruction, any part of the item for "traveling expenses of personnel" which may be allotted for use of the Bureau of Health shall be available for traveling expenses of local health officers and employees.

(31) *Expenses chargeable to appropriation for "consumption of supplies and materials."*—The item for "consumption of supplies and materials" for the Bureau of Health shall include first uniform for newly appointed sanitary inspectors; uniforms for minor employees of hospitals and the Culion Leper Colony; and aid to poor provinces in the form of medicines for the treatment of yaws and extract of tiki-tiki for the treatment of beri-beri. The cost of anti-toxins, sera, vaccines, and tiki-tiki which the Bureau of Health shall obtain from the University of the Philippines shall be charged against this item.

In any case in which the College of Pharmacy and the School of Hygiene and Public Health of the University of the Philippines are unable to supply the demand of the Bureau of Health for tiki-tiki, anti-toxins, vaccines, sera,

and other biological products, the Bureau of Health may purchase the deficiency in the open market.

(32) *Expenses chargeable to appropriation for "other services."*—The part of the appropriation for "other services" of the Department of Public Instruction, which may be allotted for use of the Bureau of Health, shall include expenses of the Bureau of Health for educational exhibits; occasional health campaigns; participation in expositions and fairs; practical training school for sanitary inspectors; and payment of not exceeding five centavos (₱0.05) for each mouse or rat presented to the Bureau of Health by any person, not an employee of said Bureau, caught in connection with the campaign for the extermination of mice and rats in the City of Manila.

(33) *Sale of medical and sanitary supplies and other supplies and materials.*—The Director of Health, whenever, in his opinion, the public good requires it, may sell medical and sanitary supplies at cost price, and may likewise sell to government employees supplies and materials not obtainable at the place where such employees are stationed.

(34) *Subsistence and quarters for persons confined in communicable disease camps and employees in the Culion Leper Colony.*—The Director of Health is hereby authorized to furnish subsistence and quarters to persons confined in communicable disease camps or hospitals, and to grant subsistence and quarters to employees on duty in the Culion Leper Colony.

(35) *Purchase of anti-toxins, tiki-tiki, vaccines, sera, etc.*—Whenever the portion of the appropriation of the Department of Public Instruction for "consumption of supplies and materials" provided for the purchase of tiki-tiki, anti-toxins, vaccines, sera, and other biological products becomes insufficient, the Secretary of Public Instruction may authorize the use of any savings from the different items of appropriations of the Department of Public Instruction and the bureaus and offices under it for the purpose.

(36) *Use of savings to control and eradicate epidemics.*—Upon certification to the President by the Secretary of Public Instruction that an epidemic of a dangerous and contagious disease exists in any part of the Philippines and the appropriations at the disposal of his department are insufficient to control and eradicate the epidemic, the President may authorize the use of any savings from the appropriations of any other executive department, not only for the purchase of tiki-tiki, anti-toxins, vaccines, sera, and other biological products, but also for other expenses necessary to control and eradicate the epidemic.

BUREAU OF PUBLIC WELFARE

(37) *Subsistence, clothing, and articles of instruction for orphans.*—The item for "consumption of supplies and materials" may be used for subsistence and clothing of the orphans committed to the institutions under the Bureau of Public Welfare and shall include materials and other necessary articles of instruction.

(38) *Quarters allowance for employees under the Bureau of Public Welfare.*—Officers and employees detailed for duty requiring residence in an institution under the supervision of the Director of Public Welfare shall be furnished with quarters in kind.

PHILIPPINE GENERAL HOSPITAL

(39) *Purchase of uniforms.*—The appropriation for "consumption of supplies and materials," of the Department of Public Instruction which may be allotted for use of the Philippine General Hospital shall be available for the purchase of uniforms or the materials necessary for the same, to be worn by the employees of the hospital who are required to use such uniforms while on duty, and by the patients in the same.

(40) *Retention of monthly allowance of student nurse.*—The Superintendent of the Philippine General Hospital may order the retention of the monthly allowance granted to

each student of the School of Nursing and the withholding of its payment until the conditions of the contract signed at the time of his or her admission to the school shall have been complied with.

(41) *Share in fees collected from services of physicians.*—The resident physicians of the Philippine General Hospital designated by the Superintendent of the hospital to attend to pay patients and whose fees for medical services collected by the hospital amount to a sum in excess of the salary, subsistence, and laundry allowances assigned to them by law, may, upon recommendation of the Superintendent of the hospital, approved by the department head, in addition to their salary, subsistence, and laundry allowances, be paid twenty per centum of the amount of such fees collected in excess of the said salary, subsistence, and laundry allowances.

BUREAU OF QUARANTINE SERVICE

(42) *Use of unexpended balance of appropriation for salaries and wages for additional personnel.*—Any unexpended balance of the appropriation for "salaries and wages" of the Bureau of Quarantine Service may be used, in the discretion of the Secretary of Public Instruction, for the hire of temporary employees, assistant disinfectors, and laborers assisting the regular force in disinfection work or in handling supplies, necessitated by the presence of quarantinable diseases; for the payment of fees, not to exceed twenty pesos per vessel, to qualified physicians for quarantine inspection of vessels at ports of entry where no officer of the United States Public Health Service is available; and for wages of persons employed for the maintenance of the grounds and equipment of the quarantine stations.

UNIVERSITY OF THE PHILIPPINES

(43) *Financial report of the University of the Philippines.*—The Board of Regents of the University of the Philippines shall render, through the President, to the National Assembly a detailed account of the disbursement of the funds appropriated as aid to the said university, as well as of the receipts accruing to same, with such additional

data and information as it may deem necessary. Such report shall be submitted not later than thirty days after the close of the fiscal year to which it pertains.

SEC. 8. *Repealing clause.*—All provisions of Act Numbered Twenty-nine hundred and thirty-five and other general appropriation acts which were declared permanent legislation are repealed.

SEC. 9. *Effective date.*—This Act shall take effect on January first, nineteen hundred and thirty-eight.

Approved, December 17, 1937.



[COMMONWEALTH ACT NO. 374]

AN ACT TO AMEND PARAGRAPH (4), GENERAL PROVISIONS, SECTION SEVEN OF COMMONWEALTH ACT NUMBERED TWO HUNDRED AND FORTY-SIX, ENTITLED "AN ACT PRESCRIBING THE FORM OF THE BUDGET AND REGULATING THE EXPENDITURE OF AUTHORIZED APPROPRIATIONS."

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Paragraph (4), General Provisions, section seven of Commonwealth Act Numbered Two hundred and forty-six, entitled "An Act prescribing the form of the Budget and regulating the expenditure of authorized appropriations," is amended so as to read as follows:

"(4) *Allotment of lump-sum appropriation and special and other funds; plantilla of personnel.*—The provisions of this Act or any other law to the contrary notwithstanding, expenditures from lump-sum appropriations authorized for any executive department in any annual General Appropriation Act or other Act and from all special, bond, trust, and other funds shall be made in accordance with a budget to be approved by the President, which shall include the plantilla of personnel, showing the number of each kind of positions, the designations, the salary proposed for the fiscal year for which the appropriation is intended and the salary actually received. This provision shall be applicable to all revolving funds, receipts which are automatically made available for expenditure for certain specific purposes, aids and donations for carrying out certain activities, or deposits made to cover the cost of special services to be

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rendered to private parties. Unless otherwise expressly provided by law, when any Board, Head of Department, Chief of Bureau or Office, or any other official, is authorized to appropriate, allot, distribute or spend any lump-sum appropriation or special, bond, trust, and other funds, such authority shall be subject to the provisions of this paragraph."

"Except when stipulated otherwise as a condition for the expenditure of an aid or donation, and in the case of officers and employees receiving higher rates at the time of the approval of this Act, no officer or employee whose salary, not being fixed by law, is paid from any lump-sum appropriation or from any special, bond, trust, revolving, or other fund, shall receive a compensation of more than twenty pesos per day or more than five hundred pesos per month. This limitation shall not apply to the appropriations for 'expert and technical personnel' under the Office of the President and the various executive departments.

"In the case of any lump-sum appropriation for salaries and wages of temporary laborers and employees provided in any General Appropriation Act or other Act, the expenditure of such appropriation shall be limited to the employment of laborers paid by the month, by the day, or by the hour, and of emergency employees other than laborers, who, except those authorized for the National Assembly, the office of the President, the Bureau of Health, the craftsmen, helpers, and other employees of the Bureau of Printing, the justices of the peace, the officers and employees of the Bureau of Public Works whose salaries and wages are payable from appropriations for projects authorized in any act, and the officers and employees of the Bureau of Quarantine Service, shall, in no case, be paid a salary in excess of forty pesos per month, nor shall their employment continue for more than six months."

SEC. 2. This Act shall take effect as of January first, nineteen hundred and thirty-eight.

Approved, August 23, 1938.

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[COMMONWEALTH ACT No. 435]

AN ACT TO ADD ANOTHER SUBSECTION TO SECTION SEVEN OF COMMONWEALTH ACT NUMBERED TWO HUNDRED AND FORTY-SIX COMMONLY KNOWN AS THE "BUDGET ACT", PROVIDING FOR THE TEMPORARY EMPLOYMENT OF SUBSTITUTE OFFICERS OR MEMBERS OF THE CREW OF GOVERNMENT VESSELS.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. A subsection to be numbered thirty-four is added to section seven of Commonwealth Act Numbered Two hundred and forty-six, commonly known as the "Budget Act," to read as follows:

(34) *Temporary employment of substitute officers in government vessels.*—Whenever an officer or member of the crew of any government vessel is absent on leave, the Department Head may employ, upon the recommendation of the director of the Bureau or office concerned, a temporary substitute if the need of the service so requires. The salary of the substitute officer or member of the crew shall be paid from the savings in the appropriation for salaries and wages for the Bureau or office concerned.

SEC. 2. This Act shall take effect upon its approval.

Approved, May 31, 1939.

31830



[COMMONWEALTH ACT NO. 500]

AN ACT TO AUTHORIZE THE PRESIDENT, IN VIEW OF THE EXISTENCE OF A STATE OF NATIONAL EMERGENCY, TO DECREASE EXPENDITURES OF THE EXECUTIVE DEPARTMENT OF THE NATIONAL GOVERNMENT THROUGH THE SUSPENSION OR ABANDONMENT OF SERVICES, ACTIVITIES, OR OPERATIONS OF NO IMMEDIATE NECESSITY.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The decrease in customs revenues as a result of the existing state of war among some nations of the world has created a national emergency which requires the decrease in the expenditures of the Government by the suspension or abandonment of services, activities, or operations of no immediate necessity.

SEC. 2. In addition to the authority vested in the President of the Philippines under section 7-I, subsection (2), of Commonwealth Act Numbered Two hundred and forty-six, he is further empowered to reduce the expenditures of the Executive Department of the National Government by the suspension or abandonment of services, activities, or operations of no immediate necessity: *Provided*, That the authority herein given shall be exercised only when the National Assembly is not in session, and any action taken thereunder shall be valid and subsisting until the National Assembly provides otherwise.

SEC. 3. The President shall report to the National Assembly within the first ten days of its next regular session any action taken under the authority herein granted.

SEC. 4. This Act shall take effect upon its approval.

Approved, September 30, 1939.

36574



[COMMONWEALTH ACT No. 518]

AN ACT TO ESTABLISH THE NATIONAL COCONUT CORPORATION

Be it enacted by the National Assembly of the Philippines:

SECTION 1. A corporation is created under the style and name of "National Coconut Corporation," which shall be organized within six months after the date of the approval of this Act and shall exist for a term of thirty years from the said date. The Corporation shall have its main office in the City of Manila.

SEC. 2. The National Coconut Corporation shall have the following objects:

(a) To establish, keep, maintain, and operate or help establish, keep, maintain, and operate drying plants, or copra driers, or coconut centrals with a view to adjusting the coconut industry to a position independent of trade preferences in the United States and to provide facilities for the better curing of copra products and the proper utilization of coconut by-products, provided that no subsidy, direct or indirect, shall be paid to producers or processors of copra, coconut oil, or allied products;

(b) To afford facilities for *bona fide* production loans to Philippine coconut planters and copra producers.

SEC. 3. To carry out the purposes mentioned in the preceding section, the National Coconut Corporation shall have authority:

(a) To grant *bona fide* production loans to Philippine copra producers upon the security of coconut crops or products; and

(b) To buy, sell, assign, establish or operate, rent or lease presses, warehouses, buildings, and any other equipment and materials necessary and proper to carry out its purposes.

SEC. 4. The National Coconut Corporation shall be subject to the provisions of the Corporation Law in so far as the same are compatible with the provisions of this Act, and it shall enjoy the general powers mentioned in said Corporation Law in addition to those herein specified.

SEC. 5. The management of the National Coconut Corporation shall be vested in a board of directors consisting of five members appointed by the President of the Philippines, with the consent of the Commission on Appointments of the National Assembly. The President of the Philippines shall appoint the chairman of the board from among its members.

The directors shall be appointed to serve for one year. In case of a vacancy, the person appointed to fill it shall hold office only for the unexpired portion of the term of his predecessor. The President may, in his discretion, remove any director. Three members of the board of directors shall constitute a *quorum* for the transaction of business.

Before entering upon the discharge of his duties, each director shall take the oath prescribed by law.

The members of the board shall each receive *per diem* not to exceed twenty-five pesos for each day of meeting actually attended by them except the chairman who shall at the same time, be the general manager of the corporation and shall be entitled to a compensation not to exceed fifteen thousand pesos *per annum*.

The provisions of paragraph eight, I.—General Provisions, section seven of Commonwealth Act Numbered Two hundred forty-six to the contrary notwithstanding, no officer or employee of the government receiving a fixed compensation or salary from public funds and serving as director of the corporation shall be paid the *per diem* herein provided.

The board shall submit its annual report and balance sheets to the President of the Philippines and to the Na-

tional Assembly, as provided in sections Five hundred seventy-four to five hundred seventy-seven of the Administrative Code.

SEC. 6. To carry out the purposes of this Act, there is created a special fund to be known as the "Coconut Industry Promotion Fund," which shall consist of appropriations out of the Coconut Oil Excise Tax Fund collected on and after January first, nineteen hundred and thirty-nine, to be made available as follows: Two million pesos, which is hereby appropriated, upon approval of this Act, and, thereafter, such amounts as may be provided for, from time to time, in the annual appropriation acts for the Coconut Oil Excise Tax Fund. The total sum to be made available under the provisions of this Act shall not exceed twenty million pesos. The fund herein created shall be disbursed upon authority of the Board of Directors in conformity with the provisions of this Act and of the Act of Congress of March twenty-fourth, nineteen hundred and thirty-four (Public Act No. 127, 73rd Congress), as amended by the Act of Congress of August seventh, nineteen hundred and thirty-nine (Public Act No. 300, 76th Congress). All income or receipts derived from the operation of the special fund herein created shall accrue to and form part of the same and shall be available for expenditure and/or investment for the same purposes herein provided.

SEC. 7. This Act shall take effect on its approval.

Approved, May 7, 1940.

42408



[COMMONWEALTH ACT No. 519]

AN ACT TO ESTABLISH THE NATIONAL TOBACCO CORPORATION

Be it enacted by the National Assembly of the Philippines:

SECTION 1. A corporation is created which shall be known as "National Tobacco Corporation," which shall be organized within six months after the date of the approval of this Act and shall exist for a term of thirty years from the said date. The Corporation shall have its main office in the City of Manila.

SEC. 2. The National Tobacco Corporation shall have the following objects:

(a) To promote the effective merchandising of leaf tobacco in the domestic and foreign markets so that those engaged in the tobacco industry will be placed on a basis of economic security;

(b) To establish and maintain such balance between production and consumption of leaf tobacco, and such marketing conditions therefor, as will insure the payment of living wages to tobacco farmers and laborers;

(c) To improve the living and economic condition of tobacco farmers and laborers by the gradual and effective correction of the inequalities existing in the industry; and

(d) To improve the quality of the various types and varieties of leaf tobacco grown in commercial scale in the Philippines.

SEC. 3. For carrying out the foregoing objectives, the National Tobacco Corporation shall have authority:

(a) To buy, sell, import, export, deal in, barter, exchange, and handle in every other manner, leaf tobacco and manufactures thereof;

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(b) To own, lease, or operate trucks, railway lines, elevators, vessels, or any other means of land, water, or aerial transportation, and warehouses, structures, machineries, and equipment of every nature and kind for the storage, handling, utilization, and sale of tobacco and manufactures thereof;

(c) To provide credit facilities to tobacco planters directly or through credit coöperative associations or any other class of financial institutions;

(d) To promote, foster, and encourage the organization of coöperative associations among tobacco producers or dealers and, if conditions so warrant, to act as managers of said associations;

(e) To supply or help in any manner in furnishing the necessary and adequate capital to coöperatives organized under existing law or rules and regulations promulgated thereunder; and

(f) To act as agent, broker, or commission merchant of producers' coöperative associations or act as manufacturer's agent.

SEC. 4. The National Tobacco Corporation shall be subject to the provisions of the Corporation Law in so far as the same are compatible with the provisions of this Act, and it shall enjoy the general powers mentioned in said Corporation Law in addition to those herein specified.

SEC. 5. The management of the National Tobacco Corporation shall be vested in a board of directors consisting of five members appointed by the President of the Philippines, with the consent of the Commission on Appointments of the National Assembly. The President of the Philippines shall appoint the chairman of the board from among its members who shall act as the general manager.

Of the five directors first appointed as above prescribed, the President of the Philippines shall designate one to serve for one year, one for two years, one for three years, one for four years, and one for five years; and thereafter, each director appointed shall serve for five years. Whenever a vacancy shall occur among the directors, the person ap-

pointed to fill it shall hold office for the unexpired term of the member whose place he is selected to fill. Any director shall be subject to removal by the President of the Philippines. Three members of the board of directors shall constitute a *quorum* for the transaction of business.

Before entering upon the discharge of their duties, each of the directors shall take the oath prescribed by law.

The members of the board shall each receive a *per diem* of not to exceed twenty pesos for each day of meeting actually attended by them, except the general manager of the corporation who shall receive a salary not to exceed fifteen thousand pesos *per annum* and which shall be fixed by the President of the Philippines. The provisions of paragraph eight I—General Provisions, section seven of Commonwealth Act Numbered Two hundred forty-six to the contrary notwithstanding, no officer or employee of the government receiving a fixed compensation or salary from public funds and serving as director of the corporation shall be paid the *per diem* herein provided.

The Board shall submit its annual report and balance sheets to the President of the Philippines and to the National Assembly, as provided in section five hundred and seventy-four to five hundred and seventy-seven of the Administrative Code.

SEC. 6. To carry out the purposes of this Act, there is created a special fund to be known as the "Tobacco Industry Promotion Fund," which shall consist of appropriations out of the Coconut Oil Excise Tax Fund collected on and after January first, nineteen hundred and thirty-nine, to be made available as follows: Two million pesos, which is hereby appropriated, upon approval of this Act, and, thereafter, such amounts as may be provided for, from time to time, in the annual appropriation acts for the Coconut Oil Excise Tax Fund. The total sum to be made available under the provisions of this Act shall not exceed ten million pesos. The fund herein created shall be disbursed upon authority of the Board of Directors in conformity with the provisions of this Act and of the Act of

Congress of March twenty-fourth, nineteen hundred and thirty-four (Public Act No. 127, 73rd Congress), as amended by the Act of Congress of August seventh, nineteen hundred and thirty-nine (Public Act No. 300, 76th Congress). All income or receipts derived from the operation of the special fund herein created shall accrue to and form part of the same and shall be available for expenditure and/or investment for the same purposes herein provided.

SEC. 7. This Act shall take effect on its approval.

Approved, May 7, 1940.

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[COMMONWEALTH ACT No. 247]

AN ACT TO MAKE THE PROVISIONS OF SECTION TWO THOUSAND AND NINETY-SEVEN OF THE ADMINISTRATIVE CODE APPLICABLE TO THE PROVINCIAL BOARDS OF ABRA, CAMARINES NORTE, MARINDUQUE, MASBATE AND ROMBLON, AND REPEALING THE SECOND PARAGRAPH OF THE SAID SECTION.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The per diem for the members of the provincial boards of Abra, Camarines Norte, Marinduque, Masbate and Romblon, shall be fixed hereafter in accordance with the provisions of section two thousand and ninety-seven of the Administrative Code, repealing the second paragraph thereof.

SEC. 2. This Act shall take effect upon its approval.

Approved, December 17, 1937.

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[COMMONWEALTH ACT No. 463]

AN ACT TO INCREASE THE MAXIMUM PERIOD
WITHIN WHICH THE PAYMENT OF LOANS OF
MUNICIPAL FUNDS MAY BE MADE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section twenty-one hundred and seventeen of the Administrative Code is amended to read as follows:

"SEC. 2117. *Loan of municipal funds for permanent public works and school purposes.*—Not to exceed twenty per centum of municipal funds deposited with the provincial treasurer and held in reserve may be loaned by the provincial treasurer to municipalities upon application by resolution of the municipal council of the municipality desiring the loan for permanent public works and, upon recommendation of the division superintendent of schools, with the approval of the Director of Education, also for the following purposes: (a) the erection of school buildings of strong materials; (b) the purchase of land for school purposes.

Only funds deposited by municipalities that have previously authorized by resolution of their respective councils the use of such funds for loans of this kind, shall be available for the purposes hereof.

Such loans shall be paid in equal annual installments over a period of not to exceed ten years, and the provincial treasurer shall withhold from the proceeds of tax collections of the municipality receiving the loan sufficient revenues to pay each installment as it falls due."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 14, 1939.

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[COMMONWEALTH ACT No. 96]

AN ACT TO AMEND THE REVISED ADMINISTRATIVE CODE SO AS TO AUTHORIZE PROVINCES WITH TOLL ROADS OR BRIDGES FINANCED FROM LOANS OR BOND ISSUES, TO OBTAIN LOAN, WITHOUT INTEREST AND FOR PUBLIC WORKS ONLY, IN AN AMOUNT EQUIVALENT TO COLLECTIONS IN EXCESS OF THAT REQUIRED FOR THE PAYMENT OF ANNUAL INTEREST AND SINKING FUND CHARGES ON SAID LOANS OR BONDS AND FOR THE REPAIR AND MAINTENANCE OF SUCH ROADS OR BRIDGES.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section two thousand one hundred and thirty-two of the Revised Administrative Code, as amended by Act Numbered Three thousand nine hundred and sixty-five, is hereby amended to read as follows:

"SEC. 2132. *Collection and application of tolls.*—In the exercise of the authority hereinabove conferred, the provincial board may erect toll gates or equip ferries and may employ the persons necessary to operate the same. The proceeds derived from such sources shall be applied only to the payment of interest and sinking fund charges in case the toll road or bridge has been financed from loans or bond issues, and to the repair and maintenance of the road, bridge or ferry for which the collections are made.

"In the event of such proceeds exceeding the amount which the province shall apply annually to the payment of interest and sinking fund charges on the said bonds and

to the repair and maintenance of the road, bridge or ferry for which the collections are made, the provincial board may, subject to the approval of the Secretary of Public Works and Communications and upon such terms and conditions as he may prescribe, make a loan to the province of not to exceed ninety *per centum* of the excess collections, without interest and for public works only."

SEC. 2. This Act shall take effect as provided in section eleven of the Revised Administrative Code.

Approved, October 27, 1936.

3280



[No. 4235]

AN ACT TO AMEND SECTION TWENTY-ONE HUNDRED AND THIRTY-FOUR OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, KNOWN AS THE REVISED ADMINISTRATIVE CODE, TO EXTEND EXEMPTIONS FROM TOLLS.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section twenty-one hundred and thirty-four of Act Numbered Twenty-seven hundred and eleven, known as the Administrative Code, as amended by Act Numbered Thirty-seven hundred and forty-eight, is hereby further amended, to read as follows:

"SEC. 2134. *Exemptions from tolls.*—No toll or ferriage authorized by this article shall be collected from (a) officers or enlisted men of the United States Army or Navy or other employees of the United States Government in the Philippines; (b) officers or enlisted men of the Constabulary; (c) members of the municipal police; (d) Insular, provincial or municipal officers on official business; (e) any person traveling on foot or mounted on an animal, alone or accompanying animals; (f) vehicles engaged primarily in the carrying of mail; and (g) animal-drawn vehicles."

SEC. 2. This Act shall take effect on its approval.

Approved, August 20, 1935.

295076



[COMMONWEALTH ACT No. 255]

AN ACT PROVIDING FOR THE ABOLITION OF THE
ROAD TAX

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The road tax imposed by section twenty-one hundred and fifty-eight of the Administrative Code is abolished, and all delinquencies by reason thereof are condoned.

SEC. 2. This Act shall take effect upon its approval.

Approved, March 9, 1938.

16236



[No. 4232]

AN ACT TO AMEND SECTIONS TWENTY-ONE HUNDRED AND SIXTY-ONE AND TWENTY-ONE HUNDRED AND SIXTY-TWO OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, KNOWN AS THE ADMINISTRATIVE CODE.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section twenty-one hundred and sixty-one of Act Numbered Twenty-seven hundred and eleven, known as the Administrative Code, is hereby amended to read as follows:

"SEC. 2161. *Delinquency*.—The road tax shall be deemed to be delinquent after the first day of May of each year, but persons liable to pay this tax not residents of the province prior to May first of any year, but who enter and reside in the province after that date, may pay the tax within thirty days after their arrival in the province."

SEC. 2. Section twenty-one hundred and sixty-two of the Administrative Code is hereby amended to read as follows:

"SEC. 2162. *Increase of tax in case of delinquency*.—Upon delinquency, the road tax to which any person is liable shall be subject to the following surtax:

"(a) If the tax is paid on or before the thirty-first of August of the current year, the surtax shall be ten per centum of the amount in which the taxpayer is delinquent.

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"(b) If the tax is paid after the thirty-first of August of the current year, the surtax shall be twenty-five per centum of the amount in which the taxpayer is delinquent."

SEC. 3. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 4. This Act shall take effect on the first day of January, nineteen hundred and thirty-six.

Approved, August 16, 1935.

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[COMMONWEALTH ACT NO. 633]

AN ACT TO AUTHORIZE THE PRESIDENT OF THE PHILIPPINES TO APPOINT THE FIRST ADDITIONAL COUNCILORS FOR MUNICIPALITIES PASSING TO HIGHER CLASS, FURTHER AMENDING SECTION TWO THOUSAND ONE HUNDRED SEVENTY OF THE ADMINISTRATIVE CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section two thousand one hundred seventy of the Administrative Code, as amended, is further amended to read as follows:

"SEC. 2170. *Classification of municipalities—Number of councilors.*—Municipalities are divided into five classes, according to their receipts, as follows: Municipalities of the first class shall be those the annual receipts of which averaged fifty thousand pesos or more during the last three years, and shall have eight councilors; of the second class, those the annual receipts of which averaged thirty thousand pesos or more, but less than fifty thousand pesos, during the last three years, and shall have eight councilors; of the third class, those the annual receipts of which averaged fifteen thousand pesos or more, but less than thirty thousand pesos, during the last three years, and shall have six councilors; of the fourth class, those the annual receipts of which averaged five thousand pesos or more, but less than fifteen thousand pesos, during the last three years, and shall have six councilors; of the fifth class, those the annual receipts of which averaged less than five thousand pesos during the last three years, and shall have four councilors; in case the class of a municipality is raised as herein

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prescribed, the first additional councilors needed to complete the number corresponding to its new class shall be appointed by the President of the Philippines. The persons so appointed shall hold office until their successors are duly elected at the regular election next following the change of class and have qualified. If a municipality is reduced in class, all the councilors in office shall be allowed to serve out their full term. In case of death, resignation, or removal of any such councilor the vacancy thereby caused shall not be filled unless such vacancy reduces the number of councilors below that prescribed for the new class, in which case the vacancy shall be filled in accordance with subsection (b) of section sixteen of Commonwealth Act Numbered Three hundred fifty-seven, known as the Election Code."

SEC. 2. This Act shall take effect upon its approval.

Approved, June 10, 1941.

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[COMMONWEALTH ACT No. 226]

AN ACT TO AMEND SECTION TWENTY-ONE HUNDRED AND NINETY-NINE OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, AS AMENDED BY ACT NUMBERED THIRTY-ONE HUNDRED AND FIFTEEN.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section twenty-one hundred and ninety-nine of Act Numbered Twenty-seven hundred and eleven, as amended by Act Numbered Thirty-one hundred and fifteen, is hereby further amended to read as follows:

"SEC. 2199. *Appointment of subordinate officers and employees in general.*—Appointments to all non-elective positions in the municipal service shall be made by the municipal president by and with the consent of a majority of all the members of the council, except that of the municipal secretary which shall be made exclusively by the municipal president. This requirement shall not, however, apply to the employment of laborers engaged for the performance of authorized work, nor to local employees or laborers whose duties are connected with health work and who shall be appointed by the chief local health officer, upon recommendation by the municipal president."

SEC. 2. This Act shall take effect upon its approval.

Enacted, without Executive approval, November 30, 1936.

[COMMONWEALTH ACT No. 249]

AN ACT AMENDING THE ADMINISTRATIVE CODE
SO AS TO TRANSFER TO THE SECRETARY OF
THE INTERIOR THE AUTHORITY TO APPROVE
CHANGES IN THE NAMES PROVIDED BY MU-
NICIPAL COUNCILS FOR STREETS, AVENUES,
AND OTHER PUBLIC PLACES.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Subsection (d) of section twenty-two hundred
and forty-three of the Administrative Code, as amended by
Act Numbered Three thousand and nineteen, is hereby
further amended to read as follows:

"SEC. 2243. *Certain legislative powers of discretionary
character.*—The municipal council shall have authority to
exercise the following discretionary powers:

* * * * *

"(d) To provide for the numbering of houses or lots;
the naming of streets, avenues, and other public places and,
subject to the approval of the Secretary of the Interior,
the changing of the names thereof; and for the lighting
of streets, and the sprinkling of the same."

SEC. 2. This Act shall take effect upon its approval.

Approved, December 17, 1937.

13886



[COMMONWEALTH ACT No. 470]

ASSESSMENT LAW.

Be it enacted by the National Assembly of the Philippines:

PRELIMINARY ARTICLE.—*Title of Act*

SECTION 1. *Title of this Act.*—This Act shall be known as the Assessment Law.

ARTICLE I.—*General Provisions*

SEC. 2. *Incidence of real property tax.*—Except in chartered cities, there shall be levied, assessed, and collected, an annual *ad valorem* tax on real property, including land, buildings, machinery, and other improvements not hereinafter specifically exempted.

SEC. 3. *Property exempt from tax.*—The exemptions shall be as follows:

(a) Property owned by the United States of America, the Commonwealth of the Philippines, any province, city, municipality or municipal district.

(b) Cemeteries or burial grounds.

(c) Churches and parsonages or convents appurtenant thereto, and all lands, buildings, and improvements used exclusively for religious, charitable, scientific, or educational purposes.

(d) When the entire assessed valuation of real property in any one municipality or municipal district belonging to a single owner is not in excess of one hundred pesos, or when the assessed valuation of a house, used as residence of the owner thereof, together with the lot on which the same is built, does not exceed three hundred pesos and such

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owner has no other real property, the tax thereon shall not be collected, nor shall the tax be collected on a dwelling house built on the field, nor on an adjacent orchard, if any, as improvement, if the assessed value of each, assessed separately, is not in excess of one hundred pesos, though in any event the property shall be valued for the purposes of assessment and record shall be kept thereof as in other cases.

(e) Land held by a homesteader under an application filed in accordance with law, prior to the approval by the Director of Lands of the final evidence as required by law; but this exemption does not extend to buildings and improvements thereon the title to which is not in the Government.

(f) Machinery, which term shall embrace machines, mechanical contrivances, instruments, appliances, and apparatus attached to the real estate, used for industrial, agricultural or manufacturing purposes, during the first five years of the operation of the machinery.

(g) Fruit trees and bamboo plants, except where the land upon which they grow is planted principally to such growth.

(h) Until December thirty-first, nineteen hundred thirty-nine, land not exceeding one hundred hectares used for airports or landing fields open to all aircraft operations, either free of charge or upon the payment of a nominal charge, together with such improvements thereon as are used exclusively for aeronautical purposes, when such airports are necessary facilities for air commerce. The airports or landing fields herein exempted from taxation shall revert to their original taxation status upon the certification of the Secretary of Public Works and Communications that they are no longer necessary or suitable facilities for air commerce.

The provisions hereof notwithstanding, depreciation allowance shall be made for machinery mentioned in section three (f) equivalent to an amount not exceeding *ten per centum* of its value for each year of use.

SEC. 4. *Principle governing valuation and assessments.*—

All real property subject to taxation under the provisions of this Act shall be valued and assessed for taxation at its true and full value in accordance with the schedule of values in force in the municipality or municipal district wherein it is situated. As far as properly applicable such schedule shall be controlling; but where the property to be assessed is of a kind not classified in the schedule or of a kind for which a value is not therein fixed, it shall be assessed at its full and true value, independently of such schedule.

SEC. 5. *Division of proceeds of real property tax between provinces and municipalities or municipal districts.*—The proceeds of the real property tax shall be applied to the use and benefit of the respective provinces and municipalities or municipal districts wherein the property liable to such tax is situated. The share of a province in said tax shall be levied by the provincial board thereof, whose duty it shall be, on or before the fifteenth day of December of each year, to fix by resolution a uniform rate of taxation for the succeeding year, which shall be not less than one-eighth nor more than four-eighths of one *per centum*.

The share of a municipality or municipal district shall in the same manner be levied by ordinance of the municipal or municipal district council and it shall be not less than two-eighths nor more than four-eighths of one *per centum*.

In municipalities or municipal districts wherein, on the date of the approval of this Act, the municipal rate is in excess of four-eighths of one *per centum*, the existing rate shall remain in force until reduced by ordinance.

In the Mountain Province, the municipal share is hereby levied at four-eighths of one *per centum* and the share of the province may, in the discretion of the provincial board, be levied by resolution in an amount not less than two-eighths nor more than four eighths of one *per centum*: *Provided*, That the municipal share may be changed by ordinance to not less than two-eighths nor more than four-eighths of one *per centum*.

The resolution of the Provincial Board and the municipal ordinance fixing the rate of real property tax shall remain in force for succeeding years unless said resolution or ordinance is amended on or before the fifteenth day of December of the year next preceding the one in which such amendment is to take effect: *Provided*, That any reduction in the rates of real property tax shall be subject to the approval of the Secretary of Finance.

SEC. 6. *Special application of portions of proceeds of tax.*—The gross proceeds of the first one-eighth of one *per centum* levied or imposed for provincial purposes shall accrue, in a regularly organized province, exclusively to its road and bridge fund, and in a specially organized province, exclusively to its road and public works fund: *Provided*, That the proceeds of said first one-eighth of one *per centum* levied or imposed for provincial purposes and collected in municipalities, municipal districts, barrios, and sitios situated on islands not benefited by the construction and maintenance of roads maintained with provincial funds, shall hereafter be applied to school purposes or for the construction and maintenance of local roads or any other local improvements, as the municipal council or municipal district council concerned may determine. The gross proceeds of the remaining three-eighths of one *per centum* or any part thereof, levied for provincial purposes, shall accrue to the general fund of the province.

The gross proceeds of the first two-eighths of one *per centum* levied or imposed for municipal purposes shall accrue exclusively to the school fund of the municipality or municipal district. The gross proceeds of the remaining two-eighths of one *per centum*, or any part thereof, levied for municipal purposes, shall accrue to the general fund of the municipality or municipal district.

In the case of the Mountain Province, the gross proceeds of the four-eighths of one *per centum* hereinabove levied for municipal or municipal district purposes shall accrue to the municipal general fund. The gross proceeds of the four-eighths of one *per centum*, or any part thereof, levied or

imposed for provincial purposes, shall accrue to the general fund of the province.

ARTICLE II.—*The Provincial Assessor and his Powers*

SEC. 7. *Provincial assessor, his deputy, appointment and powers.*—There shall be in each province a provincial assessor who shall be appointed by the President of the Philippines with the consent of the Commission on Appointments of the National Assembly and whose salary shall not exceed the following schedule: First class province, Three thousand pesos; second class, Two thousand four hundred; third class, Two thousand forty; fourth class, One thousand eight hundred; and fifth class, One thousand two hundred. The present incumbents shall continue in their positions unless otherwise changed by the President within one year after the approval of this Act. Subject to the approval of the Secretary of Finance, the provincial assessor shall appoint the deputy assessors and other employees in his office whose number and salaries shall be fixed by the provincial board in accordance with law.

The Government officer or employee now discharging the duties of an assessor or deputy assessor shall continue to discharge such duties with his present additional compensation until his successor is appointed and duly qualified.

The oath of office of a provincial assessor and deputy assessor shall contain a statement to the effect that the affiant will appraise the real property subject to taxation in the province at its true value in money, as required by law.

The provincial assessor shall be the officer in charge of assessment in the province. In the performance of his duties, he shall be authorized, from time to time, as occasion may require:

(a) To establish a systematic method of assessment.

(b) To prepare a map showing graphically all property subject to the tax in his province and gather all data concerning the same.

(c) To keep a record of all transfers of land, leases and mortgages of real property, rentals, insurance, and cost of construction of buildings and other improvements on land for assessment purposes.

(d) To receive proper declarations of property not previously declared by the owner, or to make official declarations therefor, as the case may require.

(e) To fix the value of real property not previously assessed and to assess the same for taxation according to law.

(f) To cancel the declaration of an original owner of property which has changed ownership and to substitute therefor the new declaration in the name of the new owner.

(g) To cancel, in case more than one declaration of the same property is received, all except the one properly made; but if any declarant shall object to the cancellation of his declaration, such declaration shall not be cancelled but the fact shall be noted thereon and in the proper book of record, and similar notation shall be made on the duplicate declaration. In this case, preference shall be given to the declaration of the person who has the best title to the property, or, in default thereof, to the person who has possession of the property.

(h) To cancel, raise, or lower, as the case may require, the assessment of any parcel or item of real property in any municipality or municipal district or of the property of any owner or owners therein whenever it appears that the existing assessment, whether originally proper or not, does not conform to the requirements of law: *Provided, however,* That the assessment of real property shall not be increased within two years from its last assessment in the absence of new improvement increasing the value of said property.

In the exercise of this power, the provincial assessor shall eliminate from the list of taxable property all property which, being exempt, has been improperly included in the same; he shall decrease the assessment where property previously assessed has suffered a permanent loss of value by reason of storm, flood, fire, or other casualty; and shall increase the assessment where taxable improvements have been made upon property subsequent to the last previous assessment.

(i) To issue certified copies of the declarations of real property and of all other records relative to the assessment of said real property, charging a sum of not less than ten

nor more than twenty centavos for each one hundred words, including the certificate, in the discretion of the provincial board, the proceeds whereof shall be paid into the provincial treasury.

SEC. 8. *Preparation of schedules of values by the assessor.*—Before any general assessment revision is made in a province or any municipality or municipal district thereof, the provincial assessor shall prepare, in such form and detail as shall be prescribed by the Secretary of Finance, a general schedule of the values of the different classes of real property in each municipality or municipal district of the province, which shall be submitted to the Secretary of Finance, who shall approve, disapprove or modify the same, or any part thereof. Said schedule shall, upon final action by the Secretary of Finance, be the basis of valuations for assessment.

SEC. 9. *General revision of values of property subject to tax.*—When so directed by the Secretary of Finance, or by the provincial board with the approval of the Secretary of Finance, the provincial assessor shall make a general revision of real property values in his province or in any municipality or municipal district thereof, and shall make a new assessment or revised assessment thereof according to law. A general assessment revision shall not be made more frequently than once in two years. All expenses in connection with a general revision of assessments shall be prorated among the various provincial and municipal funds concerned in the same proportion as the real property tax accrues to said funds during the year in which the expenses are incurred.

SEC. 10. *Certification of revised values to the Secretary of Finance.*—When the provincial assessor shall finish a general revision of the assessments for any municipality or municipal district, he shall so certify to the Secretary of Finance, and the assessment shall become effective and taxes shall accrue and be payable thereunder commencing with the year next ensuing.

SEC. 11. *Amending schedules of values.*—For the correction of errors or inequalities in any schedule of values, the

Secretary of Finance may, at any time, require the provincial assessor to prepare an amendment designed to remedy such errors or inequalities. Such amendments shall be subject to the same conditions as to preparation and modification as general schedules.

SEC. 12. *Declaration to be prepared by owner of real property.*—It shall be the duty of every owner of real property within a municipality or municipal district or his duly authorized representative, to prepare, or cause to be prepared, and submit to the provincial assessor a declaration of said property stating the value of each parcel thereof which he owns within the municipality or municipal district. Such declaration shall contain a description of the property sufficient in detail to enable the provincial assessor to identify the same.

It shall also be the duty of any person acquiring at any time real property in any municipality or municipal district or making any improvement on real property belonging to him, to prepare and submit to the provincial assessor, within sixty days after the acquisition of such property or the completion of the improvement, a declaration containing the value of the real property so acquired or of the improvement made. The property and improvement must be so described as to enable the provincial assessor to identify the same on examination.

He shall subscribe the declaration and verify the same on oath, free of charge, before the municipal treasurer or before the provincial assessor, or if not conveniently accessible to one of these, before the municipal mayor or any other person authorized to administer oaths.

SEC. 13. *Assessment of property subject to back taxes.*—Real property declared for the first time shall have back taxes assessed against it for the period during which it would have been liable if assessed from the first in proper course but in no case for more than four years prior to the year of the initial assessment.

If said taxes are paid before the expiration of the tax-collection period next ensuing, no penalty for delinquency shall be imposed, but if they be not so paid the property

shall be subject to all the penalties to which it would have been liable had it originally become delinquent after assessment in usual course.

SEC. 14. *Declaration made by assessor for owner.*—When real property is found in any municipality or municipal district the owner of which refuses or fails to make the required declaration, the provincial assessor shall himself declare the property in the name of the defaulting owner, if known, or as against an unknown owner, as the case may be, and shall assess the property for taxation accordingly.

No oath shall be required to a declaration thus made by the provincial assessor.

SEC. 15. *Authority of assessor and deputy assessor to take evidence.*—For the purpose of obtaining information on which to base the correct assessment of any real property, the provincial assessor or his deputy may summon witnesses, administer oaths, and take depositions concerning the property, its amount, nature or value.

SEC. 16. *Notification of increased assessment.*—When real property is assessed at a value greater than that stated in the declaration of the owner, or where an existing assessment is increased to an amount in excess of that so stated, the provincial assessor shall immediately give written notice of such assessment or increased assessment to the owner, or in his absence, to his authorized agent in the Philippines, or if there be none such, to the occupant in possession, if any. This notice may be delivered personally or may be mailed to the last known address of the person to be served.

Written notice shall also be given in like manner to the owner, or his agent, if known, or to the occupant, if such there be, of the valuation placed on property newly declared.

SEC. 17. *Appeal by owner to the Board of Tax Appeals.*—Any owner who is not satisfied with the action of a provincial assessor in the assessment of his property may, within sixty days from the date of receipt by him of the written notice of assessment as provided in section sixteen hereof, appeal to the Board of Tax Appeals, which is created in each province, by filing with it or with the municipal treasurer of the municipality where the property assessed is

situated who is duly bound to transmit it to the Board of Tax Appeals, a petition to that effect stating the grounds of his appeal.

The Board of Tax Appeals shall be composed of five members to be appointed by the President of the Philippines with the consent of the Commission on Appointments of the National Assembly. Three members of the Board shall be selected from among government officials in the province, other than those in charge of assessment, and they shall serve without additional compensation. The other two members shall be selected from among property owners in the province, and they shall each receive a compensation of five pesos for each day of session actually attended, plus actual traveling expenses from his usual place of residence and return. The chairman of the Board shall be designated in the appointment and he shall have the power to designate a deputy assessor to serve as the secretary of the Board without additional compensation. The chairman and members of the Board of Tax Appeals shall hold office at the pleasure of the Secretary of Finance.

The Board shall hold such number of sessions as may be authorized by the Secretary of Finance.

All expenses of the Board shall be charged against the general fund of the province.

The members of the Board shall each take the following oath:

"I, _____, of _____, having been appointed to the position of _____, hereby solemnly swear that I will well and faithfully discharge to the best of my ability the duties of my present position and of all others I may hereafter hold under the Commonwealth of the Philippines; that I will support and defend the Constitution of the Philippines; and that I will obey the laws, legal orders, and decrees promulgated by the duly constituted authorities of the Commonwealth of the Philippines; and that I will well and truly hear and determine all matters and issues between taxpayers and the provincial assessor submitted for my decision; and I hereby

declare that I recognize and accept the supreme authority of the United States of America in the Philippines, and will maintain true faith and allegiance thereto; and that I impose this obligation upon myself voluntarily, without mental reservation or purpose of evasion.

So help me God.

.....
(Signature)

Subscribed and sworn to before me this day
of, A. D.,
at, Philippines.

.....
(Signature of officer administering oath)

SEC. 18. *Action by the Board of Tax Appeals.*—The Board of Tax Appeals shall take action upon the complaint within ninety days from the receipt thereof; and if such action be favorable to the taxpayer the provincial assessor shall be so notified and may thereupon amend the assessment accordingly. If, however, the provincial assessor be not satisfied with the decision of the Board of Tax Appeals, he may, within twenty days after receipt of notice of the decision of the Board, appeal to the Secretary of Finance by filing with the secretary of the Board a notice to that effect. Within ten days after receipt of such notice, the secretary of the Board shall forward all the papers of the case to the Secretary of Finance whose decision in the matter shall be final.

If the taxpayer is not satisfied with the decision of the Board of Tax Appeals, he may likewise appeal to the Secretary of Finance in the same manner as above provided.

Any assessment changed by the Board of Tax Appeals and acquiesced in by the parties shall be certified to the provincial treasurer.

SEC. 19. *Review by Board of Tax Appeals.*—The Board of Tax Appeals shall have the power to review, on its own motion, assessments found to be unjust, erroneous or unlawful or not in accordance with the provisions of section four of this Act, and any reassessment thus made shall be

appealable to the Secretary of Finance as provided in the preceding section.

SEC. 20. *Evidence in assessment proceedings.*—In the exercise of their appellate and supervisory powers on assessments, the Secretary of Finance and the Board of Tax Appeals may receive, take, and consider not only the evidence on which the officers in charge of the assessment have acted, but other pertinent evidence, in the form of either oral testimony or affidavits or depositions.

ARTICLE III.—*Payment of the Real Property Tax*

SEC. 21. *Date of accrual of tax; tax and penalties to constitute a lien on the property.*—The real property tax for any year shall become due and payable on the first of January and from the same date said tax and all penalties subsequently accruing thereto shall constitute a lien upon the property subject to such tax.

Said lien shall be superior to all other liens, mortgages, or incumbrances of any kind whatsoever, shall be enforceable against the property whether in the possession of the delinquent or any subsequent owner or possessor, and shall be removable only by the payment of the delinquent taxes and penalties.

SEC. 22. *Notice of time for collection of tax.*—The provincial treasurer shall cause notice of the periods during which the real property tax may be paid in each municipality or municipal district to be posted not later than the thirty-first day of January of each year at the main entrance of the provincial building and of all municipal buildings and in a public and conspicuous place in each barrio, and published in the newspaper or by crier.

SEC. 23. *Payment of the real property tax in installments.*—The real property tax may, in the discretion of the taxpayer, be paid in two installments as the provincial board may by resolution determine not later than the fifth day of January of the year during which such resolution is to take effect for the first time: *Provided*, That the last day of the first and second installment periods shall not be later than May thirty-first and November thirtieth of

each year, respectively. Any change in the period and amount of installments made after January fifth shall take effect in the next ensuing year.

Any person who shall on the last day of any period established for the payment of the real property tax be in the municipal building, ready and prepared to pay but is unable to do so because of the great number of taxpayers, shall be given a suitable card entitling him to pay the tax without penalty on the day next following.

SEC. 24. *Part payment of tax.*—When the property owner cannot pay the total of the tax due, he may make a partial payment on one parcel or more, or for part of any of them.

SEC. 25. *Payment under protest.*—When a taxpayer desires for any reason to pay his tax under protest, such protest shall be annotated on the tax receipt by writing thereon the words "paid under protest." Verbal protest shall be confirmed in writing, with a statement of the ground or grounds therefor, within thirty days. The tax may be paid under protest, and in such case it shall be the duty of the municipal treasurer to annotate the ground or grounds therefor on the receipt.

SEC. 26. *Power of provincial board to extend term for payment of tax without penalty.*—The provincial board shall have power, for just cause, to extend the term or terms for the payment without penalty of the real property tax in the province or in any municipality or municipal district thereof, for a period not exceeding three months during the same calendar year; but a resolution so disposing shall not take effect until approved by the President of the Philippines.

SEC. 27. *Power of President of the Philippines to postpone term without penalty.*—The President of the Philippines may in his discretion postpone the term for the payment without penalty of the real property tax, or of installments thereof, as the case may be, in any province, municipality, or municipal district, to any period falling within the same calendar year.

ARTICLE IV.—*Delinquency in the Payment of Real Property Tax*

SEC. 28. *Notice of delinquency in the payment of the real property tax.*—Upon the real property tax becoming delinquent, the provincial treasurer shall immediately cause notice of that fact to be posted at the main entrance of the provincial building and of all municipal buildings and in a public and conspicuous place in each barrio of the municipality or municipal district concerned.

Such notice shall specify the date upon which the tax became delinquent, and shall state that personal property is subject to seizure to effect payment. It shall also state that, at any time before the seizure of personal property, payment may be made with penalty in accordance with the next following section, and further, that unless the tax and penalties be paid before the expiration of the year for which the tax is due, or the tax shall have been judicially set aside, the delinquent real property will be sold at public auction, and that thereafter the full title to the property will be and remain in the purchaser, subject only to the right of the delinquent taxpayer or any other person in his behalf to repurchase the sold property within one year from the date of sale.

SEC. 29. *Penalty for delinquency.*—Failure to pay the real property tax before the expiration of the term for the payment without penalty of the same or installments thereof, shall subject the taxpayer to the payment of a penalty of one *per centum* on the amount of the delinquent tax for each month of delinquency or fraction thereof until the delinquent tax shall be fully paid: *Provided*, That in no case shall the total penalty exceed twelve *per centum* of the delinquent tax.

SEC. 30. *Distraint of personal property for delinquency.*—After delinquency in the payment of the real property tax has occurred, payment of such tax may be enforced by distraining the personal property of the delinquent person or persons. In such case, the provincial treasurer or his deputy shall issue a duly authenticated

certificate, based upon the records of his office, showing the fact of delinquency and the amount of tax and penalty due from such delinquents or each of them. This certificate shall be sufficient warrant for the seizure of any non-exempt personal property belonging to the delinquent or delinquents in question; and such process may be executed by the provincial treasurer, his deputy, or any officer *authorized to execute legal process*.

SEC. 31. *Personal property exempt from distraint or levy*.—The following property shall be exempt from distraint and from the levy of attachment or execution for delinquency in the payment of the real property tax:

(a) Tools and implements necessarily used by the delinquent taxpayer in his trade or employment.

(b) One horse or cow, or carabao, or other beast of burden, such as the delinquent taxpayer may select, and necessarily used by him in his ordinary occupation.

(c) His necessary clothing, and that of all his family.

(d) Household furniture and utensils necessary for house-keeping, and used for that purpose by the delinquent taxpayer, such as he may select, of a value not exceeding one hundred pesos.

(e) Provisions actually provided for individual or family use sufficient for four months.

(f) The professional libraries of lawyers, judges, clergymen, doctors, school teachers, and music teachers, not exceeding five hundred pesos in value.

(g) One fishing boat and net, not exceeding the total value of one hundred pesos, the property of any fisherman, by the lawful use of which he earns a livelihood.

(h) Any material or article forming part of a house or improvement of any real property.

SEC. 32. *Sale of distrained personal property*.—Property seized upon process under section thirty hereof shall, after due advertisement, be exposed for sale at public auction to the highest bidder, and so much of the same shall be thus sold as may be necessary to satisfy the tax, penalty, and costs of the seizure and sale. The purchaser at such sale shall acquire an indefeasible title to the property.

Advertisement in such cases shall be given by notice stating the time, place and cause of the sale, posted for ten days before the date of the auction at the main entrance of the municipal building and at a public and conspicuous place in the barrio where the property was seized.

The sale shall take place, in the discretion of the provincial treasurer or his deputy, either at the main entrance of the municipal building or at the place where the property was seized. If no satisfactory bid or no bid at all is received in the places mentioned, the distrained property may be sold anywhere in the province at public auction.

SEC. 33. *Return of officer—Disposition of proceeds.*—The officer conducting a sale under the preceding section shall make immediate return of his proceedings and a memorandum thereof shall be entered by the provincial treasurer in his records. Any surplus proceeds resulting from the sale, and any of the property remaining unsold in the hands of the officer, shall be returned to the delinquent taxpayer.

SEC. 34. *Redemption of distrained property.*—The owner of personal property seized for the non-payment of taxes hereunder may redeem the same from the collecting officer at any time after seizure and before sale by tendering to him the amount of the tax, the penalty, and the costs incurred up to the time of tender. The costs to be charged in making such seizure and sale shall only embrace the actual expenses of seizure and preservation of the property pending the sale, and no charge shall be imposed for the services of the collecting officer or his deputy.

SEC. 35. *Advertisement of sale of real property at public auction.*—After the expiration of the year for which the tax is due, the provincial treasurer shall advertise the sale at public auction of the delinquent real property or so much thereof as may be necessary to satisfy all taxes and penalties due and the costs of sale. Such advertisement shall be made by posting a notice for three consecutive weeks at the main entrances of the provincial building and all municipal buildings in the province, and in a public and conspicuous place in the barrio wherein the property is situated, in English, Spanish, and the local dialect commonly used,

and, in the discretion of the provincial treasurer, by publishing it once a week for three consecutive weeks in a newspaper of general circulation published in the province, if there be any. Copy of the notice shall be forthwith sent by registered mail or by messenger to the delinquent taxpayer at his residence if known to said treasurer. The notice shall set forth the amount of the taxes and penalties due and the costs of sale, the date and place of the sale, the name of the taxpayer against whom the taxes were assessed and the approximate area, the lot number and the location, stating the street, number, district, barrio, municipality, and province where the real property to be sold is situated.

SEC. 36. *Sale of real property—Conditions.*—At any time during or before the sale, the taxpayer may stay all proceedings by paying the taxes and penalties due on the real property and the costs to the provincial treasurer or his deputy conducting the sale. If he does not do so, the sale shall proceed, which shall be held either at the main entrance of the municipal government building or on the site of the real property to be sold, as the provincial treasurer or his deputy may determine.

The provincial treasurer or his deputy shall make report of the sale to the provincial board within five days after the sale and shall make the same appear in his records. The purchaser at this sale shall receive from the provincial treasurer or his deputy a certificate setting forth the proceedings had at the sale, a description of the property sold, the name of the purchaser, the price of sale, and the exact amount of the taxes, and penalties due, and the costs of sale.

SEC. 37. *Provincial treasurer may buy real property in behalf of province if no other bidder.*—In case there is no bidder at the public auction of the delinquent real property or if the highest bid is for an amount not sufficient to pay the taxes, penalties and costs, the provincial treasurer may, in his discretion, buy the delinquent real property in the name of the province for the amount of taxes and penalties due thereon, and the costs of sale. Should the provincial treasurer buy the real property in the name of the province,

he shall forthwith issue to the provincial board a certificate to the effect that the real property has been sold to the province for the amount of taxes, penalties and costs, and shall make within five days thereafter a return of his proceedings which shall be spread upon the records of his office. The owner of the delinquent real property shall be furnished with a copy of the sale certificate.

SEC. 38. *Repurchase of real property after sale.*—Within the term of one year from the date of the sale, the delinquent taxpayer or any other person in his behalf shall have the right to repurchase the property sold by paying to the provincial treasurer or his deputy the total amount of taxes and penalties due up to the date of repurchase, the costs of sale and the interest, at the rate of twelve *per centum per annum*, on the purchase price, and such payment shall invalidate the sale certificate issued to the purchaser or to the provincial board and shall entitle the person making the same to a certificate from the provincial treasurer or his deputy, stating that he had repurchased the property, and the provincial treasurer or his deputy, upon surrender by the purchaser of the certificate of sale previously issued to him, shall forthwith return to the latter the entire sum paid by him plus the interest at twelve *per centum per annum* herein provided for, and said property shall thereafter be free from the lien of said taxes and penalties.

SEC. 39. *Possession and usufruct of real property within one year from date of sale.*—After the sale and before repurchase, or before the expiration of the term of one year hereinabove fixed for such repurchase, the real property shall remain in the possession of the delinquent taxpayer who shall have the right to the usufruct thereof.

SEC. 40. *Issuance of final bill of sale.*—In case the delinquent taxpayer does not repurchase the property sold as herein provided within the period of one year from the date of the sale, the provincial treasurer shall make an instrument sufficient in form and effect to convey to the purchaser the property purchased by him, or to the province, as the case may be, free from any encumbrance whatsoever, and the said instrument shall succinctly set forth all proceedings upon which the validity of the sale depends.

Any balance of the proceeds of the sale left after deducting the amount of the taxes and penalties due, and the costs, shall be returned to the original owner or his representative.

SEC. 41. *Disposition of proceeds.*—The proceeds of all delinquent taxes and penalties, with the income derived from the use, lease, or other disposition of the real property bought by the province at a tax sale in accordance with the provisions of this Act, and the proceeds of the repurchase or sale of the delinquent real property, shall accrue to the provincial and municipal governments in the same manner and proportion as if the tax or taxes had been paid in regular course.

ARTICLE V.—*Special Assessment*

SEC. 42. *Power of the municipal council to levy special assessments for certain purposes.*—In addition to the powers conferred by existing law, the municipal council may, by ordinance duly approved, provide for the levying and collection, by special assessments of the lands comprised within the municipality or section thereof specially benefited, a part not exceeding sixty *per centum* of the cost of laying out, opening, constructing, straightening, widening, extending, grading, paving, curbing, walling, deepening, or otherwise establishing, repairing, enlarging, or improving public avenues, roads, streets, alleys, sidewalks, parks, plazas, bridges, landing places, wharves, piers, docks, levees, reservoirs, waterworks, water mains, water courses, esteros, canals, drains, and sewers, including the cost of acquiring the necessary land, as hereinafter provided. Within the meaning of this section all lands comprised within the district benefited, except lands owned by the United States of America, the Commonwealth of the Philippines, any province, municipality, or other political subdivision of the Philippines, shall be subject to the payment of the special assessment, apportioned, computed, and assessed according to the valuation of such lands as shown by the books of the provincial assessor, or its present value as fixed by said officer in the first instance if the property does not appear of record in his books.

SEC. 43. *Ordinance levying special assessment.*—The ordinance providing for the levying and collection of a special assessment shall describe with reasonable accuracy the nature, extent, and location of the work to be undertaken; the probable cost of the work; the percentage of the cost to be defrayed by special assessment; the district subject to the payment of the percentage of the cost of the proposed work so established, the limits whereof shall be stated by monuments and lines, and the number of annual installments, which shall not be less than five nor more than ten, in which said special assessment shall be payable without interest. The municipal council shall not be obliged to establish a uniform percentage for all lands subject to the payment of the tax for the entire district, but it may fix different rates for different parts or sections thereof, according as to whether such land is more or less benefited by the proposed work.

The district engineer shall make the plans, specifications, and estimates of the proposed work.

SEC. 44. *Publication of proposed ordinance levying special assessment.*—The proposed special assessment ordinance shall be published, with a list of the owners of the lands affected thereby, once a week for four consecutive weeks in any newspaper published in the locality, one in English, one in Spanish, and one in the local dialect, if there be any, and in default of local papers, in any newspaper of general circulation in the municipality. The said ordinance in English, Spanish, and the local dialect, shall also be posted in places where public notices are generally posted in the municipality and places affected by said improvement, and shall also be published once a week during four consecutive weeks by crier.

The municipal secretary shall, on application, furnish a copy of the proposed ordinance to each landowner affected, or his agent, and shall, if possible, send to all a copy of said proposed ordinance by ordinary mail or otherwise.

SEC. 45. *Protest against special assessment.*—Not later than thirty days after the last publication of the ordinance

and list of land owners included in the zone subject to special assessment, a protest may be submitted to the municipal council signed by a majority of the land owners affected representing more than one-half of the total assessed value of said lands, setting forth the addresses of the signers and arguments in support of their objection or protest against the improvement to be made or against the special assessment established in the ordinance. If no protest is filed within the time and under the conditions above specified, the municipal ordinance shall become final and effective in all its points after its approval by the municipal council.

SEC. 46. *Hearing of protest.*—The municipal council shall designate a date and place for the hearing of the protest filed in accordance with the next preceding section and shall give reasonable time to all protestants who have given their addresses and to all land owners affected by any protest or protests, and shall order the publication once a week, during two consecutive weeks, in any newspaper of the locality, if there be one, or, in default thereof, in any newspaper of general circulation in the municipality, of a notice in English or Spanish or the local dialect, of the place and date of the hearing to be held. Said notice shall likewise be posted in the places where public notices are usually posted in each municipality and place affected by said improvement. After the proper hearing, the council shall render its decision confirming, modifying, or revoking its ordinance, and shall send notice of its decision to all interested parties who have given their addresses, and shall order the publication of such decision, together with a list of the owners of the parcels of land affected by the special assessment, three times weekly, for two consecutive weeks, in the manner hereinabove specified. The decision shall become final if before the expiration of thirty days from the date of its last publication no appeal is filed with the provincial board against the proposed improvement or against the special assessment, signed by at least a majority of the landowners included

in the special assessment zone representing more than one-half of the total assessed value of the lands affected. The appellant or appellants shall immediately give the municipal council a written notice of the appeal.

SEC. 47. *Decision of the appeal.*—If an appeal is taken from the decision of the municipal council in the manner provided for in the next preceding section, said council shall forward to the provincial board an excerpt from the minutes of said council relative to the proposed improvement and all other documents in connection therewith, within ten days after receipt of the notice of appeal. The provincial board shall designate the place and set a date which shall be within thirty days following receipt by the board of the documents from the municipal council, for the hearing of the appeal, giving both parties notice thereof. During the hearing of the appeal, the municipal council shall be represented and heard, and the provincial board shall examine *de novo* all points involved in the protest filed, and its decision thereon shall be final.

SEC. 48. *Fixing of amount of special assessment.*—Upon the approval of the ordinance, the provincial treasurer shall forthwith proceed to determine the annual amount of special tax assessed against each parcel of land comprised within the district specially benefited, and shall send to each land owner a written notice thereof by ordinary mail. If upon completion of the work it should appear that the cost thereof is smaller or greater than the estimated cost of the work, the provincial treasurer shall without delay proceed to correct the assessment by increasing or decreasing, as the case may be, the special tax on each parcel of land affected, for the balance of the unpaid annual installments. If all annual installments have already been paid, the provincial treasurer shall fix the amount of credit to be allowed to, or the additional special tax to be levied upon, the land, as the case may be. In all cases, he shall give notice of such rectifications to the parties interested.

SEC. 49. *Payment of special assessments.*—All sums due from any land owner or owners in consequence of any provision adopted pursuant to this article shall be payable

to the provincial treasurer in the same manner as the annual ordinary tax levied upon real property, in accordance with the provisions of the preceding sections, and shall be subject to the same penalties for delinquency and be enforced by the same means as said annual ordinary tax; and all said sums together with any of said penalties shall, from the dates on which they were assessed, constitute special liens upon the land concerned, and shall have preference over other liens there may be on said land, with the sole exception of the lien for nonpayment of the ordinary real property tax.

ARTICLE VI.—*Miscellaneous Provisions*

SEC. 50. *Collection of the real property tax through the courts.*—The delinquent real property tax shall constitute a lawful indebtedness of the taxpayer to the province and may be enforced by civil action in any court of competent jurisdiction. This remedy shall be in addition to all other remedies provided by law.

SEC. 51. *Repayment of excessive collections.*—When it appears that an assessment of real property was erroneous and unjust when made and the same is reduced because of such error or injustice, and not by reason of damage incurred or deterioration suffered by such property subsequent to the date of original assessment, the taxpayer shall be entitled to the proper refund for taxes and penalties paid by him for not more than three years.

Timely notice shall be given by the provincial treasurer to every taxpayer whose assessment is so reduced and he shall be furnished a certificate showing the amount of refund to which he is entitled for payments already made.

If no taxes shall have been paid upon the original assessment the taxpayer shall pay the proper tax upon the reduced assessment, with its incident penalty.

SEC. 52. *Remission of tax by provincial board.*—In case of a general failure of crops or great decrease in the price of products, or similar widespread disaster in any municipality or municipalities of a province, the provincial board of the same, by resolution passed prior to the first of January of any year, may remit, wholly or partially, the

real property tax or the penalties thereon for the succeeding year in the municipality or municipalities affected by the disaster; but a resolution so disposing must clearly state the reasons for such remission and shall not take effect until approved by the Secretary of Finance.

SEC. 53. *Remission or reduction of tax by the President of the Philippines.*—The President of the Philippines may, in his discretion, remit or reduce the real property tax for any year in any municipality or province if he deems that the public interest so requires.

In case of failure of any crop or great decrease in the price of any product in any municipality, the President of the Philippines may, in his discretion, likewise reduce the tax for any year on the lands and improvements affected: *Provided*, That pending the new assessment in any province as provided for in this Act, the assessed value of all permanent plants and/or trees on any taxable real property in said province is hereby reduced by fifty *per centum* beginning January first, nineteen hundred and forty, until the first day of January of the year following the completion of the reassessment of real property in said province.

SEC. 54. *Restriction upon power of court to impeach tax.*—No court shall entertain any suit assailing the validity of a tax assessed under this Act until the taxpayer shall have paid, under protest, the taxes assessed against him, nor shall any court declare any tax invalid by reason of irregularities or informalities in the proceedings of the officers charged with the assessment or collection of the taxes, or of a failure to perform their duties within the time herein specified for their performance, unless such irregularities, informalities, or failure shall have impaired the substantial rights of the taxpayer; nor shall any court declare any tax assessed under the provisions of this Act invalid except upon condition that the taxpayer shall pay the just amount of his tax, as determined by the court in the pending proceeding.

SEC. 55. *Restriction upon power of court to impeach sale.*—No court shall entertain any suit assailing the validity of a sale made under the provisions of this Act until

the taxpayer shall have paid into court the taxes and penalties due thereon and the costs of sale. If the judgment in such suit be in favor of the taxpayer, the money so paid into court shall be applied to the satisfaction of such taxes, penalties, and costs; otherwise, it shall be returned to him after the deduction of any court costs chargeable to him in the cause.

SEC. 56. *Duty of officers to assist provincial assessor.*—It shall be the duty of the municipal mayor, secretary, and treasurer and of all officers and employees of the provincial and municipal governments to render all necessary assistance to the provincial assessor. Likewise, it shall be the duty of registers of deeds and notaries public to furnish provincial assessors copies of all contracts conveying, leasing, or mortgaging real property received by, or acknowledged before, them. Insurance companies, whenever requested, shall furnish in each particular case to the provincial assessor copies of any contract or policy of insurance on buildings, structures, and improvements insured by them which may be necessary for the proper assessment thereof.

SEC. 57. *Promulgation of rules by the Secretary of Finance.*—The Secretary of Finance shall promulgate rules and prescribe the blank forms to be used and the procedure to be followed in carrying out the provisions of this Act.

SEC. 58. *Fees in court actions.*—All court actions, criminal or civil, instituted by the provincial treasurer or the provincial assessor under the provisions of this Act shall be exempt from the payment of court and sheriff's fees.

ARTICLE VII.—*Penal Provisions*

SEC. 59. *Omission of property from tax lists by officer.*—Any officer charged with the duty of assessing real property, who shall willfully fail to assess, or shall omit from the tax lists, any real property which he knows to be lawfully taxable, shall be punished by a fine not exceeding one thousand pesos, or imprisonment not exceeding two years, or both.

SEC. 60. *Government agents delaying filing of declaration of property and assessment appeals.*—Any Government of-

ficial who shall intentionally and deliberately delay the filing of a real property tax declaration or any transfer on the assessment books of the assessor, or the filing of any appeal against an assessment, shall, upon conviction, be punished by a fine of not more than five hundred pesos or by imprisonment for not more than one year, or both, in the discretion of the court.

ARTICLE VIII.—*Transitory Provisions*

SEC. 61. All forfeitures and tax delinquencies existing before this Act takes effect shall be governed by the provisions of law then in force.

ARTICLE IX.—*Repealing Clause*

SEC. 62. Act Numbered Thirty-nine hundred and ninety-five, as amended by Acts Numbered Four thousand and sixty-one and Four thousand two hundred and twenty-two, sections twenty-three hundred and ninety-three to twenty-four hundred and three, inclusive, of the Administrative Code, and all acts or parts of acts inconsistent with the provisions of this Act, are hereby repealed.

SEC. 63. This Act shall take effect on January first nineteen hundred and forty.

Approved, June 16, 1939.

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[COMMONWEALTH ACT NO. 534]

AN ACT TO DECLARE INEFFECTIVE THE REDUCTION OF THE ASSESSED VALUE OF ALL PERMANENT PLANTS AND/OR TREES ON ANY TAXABLE REAL PROPERTY IN ANY PROVINCE BY FIFTY PER CENT PENDING THE NEW ASSESSMENT THEREIN, AND TO REPEAL THE PROVISIO CONTAINED IN THE SECOND PARAGRAPH OF SECTION FIFTY-THREE OF COMMONWEALTH ACT NUMBERED FOUR HUNDRED AND SEVENTY, KNOWN AS THE "ASSESSMENT LAW."

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The reduction of the assessed value of all permanent plants and/or trees on any taxable real property in any province by fifty per cent pending a new assessment of such plants and/or trees, pursuant to the proviso contained in the second paragraph of section fifty-three of Commonwealth Act Numbered Four hundred and seventy, known as the "Assessment Law," is declared ineffective, and the said proviso is repealed.

SEC. 2. This Act shall take effect as of January one, nineteen hundred and forty.

Approved, May 26, 1940.

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MALACAÑAN PALACE

MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 277

REDUCING THE REAL PROPERTY TAX ON ALL PERMANENT PLANTS
AND/OR TREES DUE FOR THE YEAR NINETEEN HUNDRED AND
FORTY.

The public interest so requiring, I, Manuel L. Quezon, President of the Philippines, by virtue of the powers vested in me by section fifty-three of Commonwealth Act Numbered Four hundred and seventy, do hereby reduce by thirty per centum the real property tax due on all permanent plants and/or trees for the calendar year nineteen hundred and forty in all the provinces.

This Order shall take effect as of January one, nineteen hundred and forty.

Done at the City of Baguio, this twenty-ninth day of May, in the year of Our Lord, nineteen hundred and forty, and of the Commonwealth of the Philippines, the fifth..

MANUEL L. QUEZON

President of the Philippines

By the President:

JORGE B. VARGAS

Secretary to the President

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MALACAÑAN PALACE
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

EXECUTIVE ORDER No. 329

REDUCING BY THIRTY PER CENTUM THE TAX ON ALL PERMANENT PLANTS AND/OR TREES IN ALL THE PROVINCES AND THE CITIES OF DAVAO AND ZAMBOANGA FOR THE CALENDAR YEAR NINETEEN HUNDRED AND FORTY-ONE.

The public interest so requiring, I, Manuel L. Quezon, President of the Philippines, by virtue of the powers vested in me by section fifty-three of Commonwealth Act Numbered Four hundred and seventy, section twenty-seven of Commonwealth Act Numbered Fifty-one, as amended by Commonwealth Act Numbered Four hundred and sixty-two, and section twenty-seven of Commonwealth Act Numbered Thirty-nine, as amended by Commonwealth Act Numbered Two hundred and fifty, do hereby reduce by thirty per centum the real property tax due on all permanent plants and/or trees on any taxable real property in all the provinces and the cities of Davao and Zamboanga for the calendar year nineteen hundred and forty-one.

This Order shall take effect as of January first, nineteen hundred and forty-one.

Done at the City of Manila, this seventh day of March, in the year of Our Lord, nineteen hundred and forty-one, and of the Commonwealth of the Philippines, the sixth.

MANUEL L. QUEZON
President of the Philippines

By the President:

JORGE B. VARGAS
Secretary to the President

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[COMMONWEALTH ACT No. 149]

AN ACT TO APPROPRIATE THE SUM OF ONE MILLION ONE HUNDRED THOUSAND PESOS, OF WHICH SUM THE AMOUNT OF SIX HUNDRED THOUSAND PESOS IS APPROPRIATED FOR THE PURCHASE OF THE AYUNTAMIENTO BUILDING, AND FIVE HUNDRED THOUSAND PESOS AS CONTRIBUTION FROM THE NATIONAL GOVERNMENT TO THE CITY OF MANILA FOR THE CONSTRUCTION OF AN ADEQUATE CITY HALL, AND TO ABOLISH THE CONTRIBUTION TO THE GOVERNMENT OF THE SAID CITY AS PROVIDED IN SECTION TWO THOUSAND FOUR HUNDRED AND FORTY-TWO OF THE REVISED ADMINISTRATIVE CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. The sum of one million one hundred thousand pesos is hereby appropriated out of any funds in the Philippine Treasury not otherwise appropriated, of which sum the amount of six hundred thousand pesos is appropriated for the purchase of the Ayuntamiento Building and site in Intramuros, pursuant to the terms and conditions of the agreement between duly authorized officials of the National Government and of the City of Manila, and five hundred thousand pesos as contribution from the National Government to the City of Manila for the construction of an adequate City Hall.

SEC. 2. Section two thousand four hundred and forty-two of the Revised Administrative Code is hereby amended to read as follows:

"SEC. 2442. *Appropriations by Board.*—The Board shall make all appropriations for the expenses of the government of the city. Whenever the Board fails to pass an appropriation ordinance for any year before the end of the previous year, the appropriation ordinance for such previous

year shall be deemed reënacted, and shall go into effect on the first day of January of the new year as the appropriation ordinance for that year, and such appropriation ordinance shall be deemed reënacted from year to year, and shall be renewed and go into effect on the first day of January of each year, as the appropriation ordinance for that year, until a new appropriation ordinance is duly enacted."

SEC. 3. This Act shall take effect on January first, nineteen hundred and thirty-seven.

Approved, November 8, 1936.

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[COMMONWEALTH ACT No. 76]

AN ACT TO AMEND THE REVISED ADMINISTRATIVE CODE SO AS TO ABOLISH THE LIMITATION UPON THE POWER OF THE MUNICIPAL BOARD OF MANILA TO TAX AND FIX THE LICENSE FEE ON DEALERS IN NEW AUTOMOBILES OR ACCESSORIES OR BOTH, AND ON RETAIL DEALERS IN NEW MERCHANDISE WHICH ARE NOT YET SUBJECT TO THE PAYMENT OF ANY MUNICIPAL TAX.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. *Subsection (m-2) of section twenty-four hundred and forty-four of the Revised Administrative Code, as inserted by Act Numbered Thirty-six hundred and sixty-nine, is hereby amended to read as follows:*

"(m-2) To tax and fix the license fee on (a) dealers in new automobiles or accessories or both, and (b) retail dealers in new merchandise, which dealers are not yet subject to the payment of any municipal tax.

"For the purpose of taxation, these retail dealers shall be classified as (1) retail dealers in general merchandise, and (2) retail dealers exclusively engaged in the sale of (a) textiles including knitted wares, (b) hardwares including glasswares, cooking utensils, electrical goods and construction materials, (c) groceries including toilet articles except perfumery, (d) drugs including medicines and perfumeries, (e) books, including stationery, paper, and office supplies, (f) jewelry, (g) slippers, (h) arms, ammunitions, and sporting goods."

SEC. 2. This Act shall take effect upon its approval.

Approved, October 24, 1936.

[COMMONWEALTH ACT No. 561]

AN ACT TO CREATE A DEPARTMENT OF HEALTH AND WELFARE IN THE CITY OF MANILA, TO DEFINE ITS POWERS AND DUTIES, AMENDING FOR THIS PURPOSE, CERTAIN SECTIONS OF CHAPTER SIXTY OF THE ADMINISTRATIVE CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section two thousand four hundred and forty-five of the Administrative Code is amended to read as follows:

"SEC. 2445. *City departments.*—There shall be the following city departments over which the mayor shall have general supervisory control:

- "1. Department of engineering and public works.
- "2. Police department.
- "3. Law department.
- "4. Fire department.
- "5. Department of finance.
- "6. Department of assessment.
- "7. Department of health and welfare.

"The Board may from time to time make such readjustment of the duties of the several departments as the public interest may demand. The Secretary of the Interior shall have the power to consolidate any department, division or office of the city with any other department, division or office, upon the recommendation of the mayor."

SEC. 2. Chapter sixty of the Administrative Code is amended by inserting a new article and a new section be-

tween articles eleven and twelve, which shall be known as article eleven-A and section two thousand five hundred and six-A, respectively, and shall read as follows:

"ARTICLE XI-A.—Department of Health and Welfare

*"SEC. 2506-A. Powers and duties of the city health officer.—*There shall be a city health officer, with compensation at the rate of six thousand pesos per annum, who shall have charge of the Department of Health and Welfare, and shall be appointed by the President of the Philippines with the consent of the Commission on Appointments of the National Assembly. He shall have the following general powers and duties:

"(a) He shall have general supervision and control over the health and sanitary condition of the city, including the cleaning of all public buildings, buildings rented for city purposes, crematories, cemeteries, stockyards, slaughterhouses, public toilets, markets, collection and disposal of garbage, refuse, the contents of toilets, cesspools, and all other offensive and dangerous substances within the city;

"(b) He shall have authority to charge, at rates to be fixed by the Municipal Board with the approval of the Department Head, fees for sanitation services and supplies furnished by his department to private parties;

"(c) He shall have control and supervision over puericulture centers and social services of the city;

"(d) He shall have authority to declare that any lot or ground within the City of Manila belonging to any person or corporation or to the National Government or any branch or political subdivision thereof, is so low, excavated or walled, diked or dammed as to admit or cause the formation on the surface thereof stagnant or foul water, or that it is a nuisance or a menace to public health, unless filled in, or its sanitary condition otherwise improved, and shall so communicate the same to the Mayor;

"(e) He shall execute and enforce all laws, ordinances, and regulations relating to public health;

“(f) He shall, upon the approval of the Director of Health, recommend to the Municipal Board the passage of ordinances as he may deem necessary for the preservation of public health;

“(g) He shall cause to be prosecuted all violations of sanitary laws, ordinances, or regulations;

“(h) He shall make sanitary inspections and may be aided therein by such members of the police force of the city as shall be designated as sanitary police by the chief of police and by such sanitary inspectors as may be authorized by law;

“(i) He shall perform such other duties with reference to the health and sanitation of the city as the Director of Health shall direct: *Provided*, That the appointment of technical persons shall be made only with consultation of the Director of Health, and nothing in this law shall be interpreted as to curtail the power and duties conferred by existing laws to the Director of Health over the City of Manila as a part of the Philippines, and that the Director of Health shall continue to have technical supervision and control over the health work of the city.

“(j) In case of epidemic or when the inhabitants of the City of Manila are menaced by any other infectious or contagious disease, the Director of Health shall assume full control of the health and sanitation services of the city until such condition shall have ceased to exist.”

SEC. 3. Section two thousand four hundred and fifty-six of the Administrative Code is hereby repealed.

SEC. 4. The first paragraph of section two thousand four hundred and fifty-eight of the Administrative Code is amended to read as follows:

“SEC. 2458. *Powers and duties of city engineer.*—There shall be a city engineer, who shall be in charge of the department of engineering and public works. He shall have charge of all the surveying and engineering work of the city, and shall perform such services in connection with public improvements, or any work entered upon or projected by the city, or any department thereof, as may re-

quire the skill and experience of a civil engineer. He shall ascertain, record, and establish monuments of the city survey and from thence extend the surveys of the city, and locate, establish and survey all city property, and also private property abutting on the same, whenever directed by the Mayor; shall prepare and submit plans, maps, specifications, and estimates for buildings, streets, bridges, docks, and other public works and supervise the construction and repair of the same; shall make such tests and inspection of engineering materials used in construction and repair as may be necessary to protect the city from the use of materials of a poor or dangerous quality; shall inspect and report upon the condition of public property and public works whenever required by the Mayor; shall have the care and custody of all public buildings, when erected, including markets and slaughterhouses and all buildings rented for city purposes, and of any system now or hereafter established for lighting the streets, public places, and public buildings of the city; shall prevent the encroachment of private buildings and fences on the streets and public places of the city; shall inspect and supervise the construction, repair, removal and safety of private buildings, and regulate and enforce the numbering of houses, in accordance with the ordinances of the city; shall have the care of all public streets, parks, and bridges; shall maintain, clean, sprinkle, and regulate the use of the same for all purposes as provided by laws and ordinances; shall collect and dispose of all garbage, refuse, the contents of closets, vaults, and cesspools, and all other offensive and dangerous substances within the city; shall have the care and custody of all public docks, wharves, piers, levees, and landing places, when erected; shall have general supervision and inspection of all private docks, wharves, piers, levees, and landing places, and other property bordering on the harbor, river, esteros, and waterways of the city, and shall issue permits for the construction, repair, and removal of the same, and enforce all ordinances relating to the same; shall have the care and custody of all sources

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of water supply other than those under the Metropolitan Water District, and shall control, maintain, and regulate the use of the same, in accordance with the ordinances relating thereto. He shall file and preserve all maps, plans, notes, surveys, and other papers and documents pertaining to his office. He shall supervise the laying of mains and connections for the purpose of supplying gas to the inhabitants of the city. He shall have power subject to the approval of the mayor, to cause buildings, dangerous to the public to be made secure or torn down, and shall supervise and regulate the location and use of engines, boilers, forges, and other manufacturing and heating appliances in accordance with law and ordinance relating thereto. He is authorized to charge, at rates to be fixed by the Board with the approval of the Department Head, for sanitation and transportation services and supplies furnished by his department."

SEC. 5. Upon the organization of the Department of Health and Welfare in accordance with this Act, all expenses for its operation including the salaries and wages of the personnel that may be transferred to the said department from the Bureau of Health shall be charged to the account of the City of Manila.

SEC. 6. This Act shall take effect on July first, nineteen hundred and forty: *Provided, however,* That the reorganization to be effected in accordance with the same may be suspended for a later date if the President of the Philippines shall find that the public interest so requires.

Approved, June 7, 1940.

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[COMMONWEALTH ACT No. 537]

AN ACT TO AMEND SECTION TWENTY-FOUR HUNDRED AND SIXTY-FIVE OF THE ADMINISTRATIVE CODE, AS AMENDED, TO STANDARDIZE THE SALARIES OF ASSISTANT FISCALS FOR THE CITY OF MANILA.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section twenty-four hundred and sixty-five of the Administrative Code, as amended, is further amended to read as follows:

"SEC. 2465. *The fiscal of the city—His assistants—His duties.*—The law department shall consist of the fiscal of the city and of twenty-two assistant fiscals, who shall discharge their duties under the general supervision of the Secretary of Justice. The fiscal of the city shall be the chief legal adviser of the city and all offices and departments thereof, shall represent the city in all civil cases wherein the city or any officer thereof in his official capacity is a party; shall attend, when required, meetings of the Board, draw ordinances, contracts, bonds, leases, and other documents involving any interest of the city and inspect and pass upon all such documents already drawn; shall give his opinion in writing when requested by the Mayor or Board upon any question relating to the city, or the rights or duties of any city officer; shall, whenever it is brought to his knowledge that any city officer or employee is guilty of neglect or misconduct in office, or that any person, firm, or corporation holding or exercising any franchise or public privilege from the city has failed to comply with any condition, or to pay any consideration mentioned in the grant of such franchise or privilege, investigate the same and report to the mayor; shall, when directed by the

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mayor, institute and prosecute in the city's interest a suit on any bond, lease, or other contract, and upon any breach or violation thereof; and shall prosecute and defend all civil actions related to or connected with any city office or interest. He shall also have charge of the prosecution of all crimes, misdemeanors, and violations of city ordinances, in the Court of First Instance and the municipal court of the city, and shall discharge all the duties in respect to criminal prosecutions enjoined by law upon provincial fiscals.

The fiscal of the city shall cause to be investigated all charges of crimes, misdemeanors, and violations of ordinances, and have the necessary informations or complaints prepared or made against the persons accused. He or any of his assistants may conduct such investigations by taking oral evidence of reputed witnesses, and for this purpose may by *subpœna*, summon witnesses to appear and testify under oath before him, and the attendance or evidence of an absent or recalcitrant witness may be enforced by application to the municipal court or the Court of First Instance. No witness summoned to testify under this section shall be under obligation to give any testimony tending to incriminate himself, and no testimony elicited from a witness by such examination under oath before the fiscal of the city or his assistants under this section shall be used against such witness in any prosecution pending or thereafter instituted against him.

The fiscal of the city shall also cause to be investigated the cause of sudden deaths which have not been satisfactorily explained and when there is suspicion that the cause arose from the unlawful acts or omissions of other persons, or from foul play. For that purpose, he may cause autopsies to be made, and shall be entitled to demand and receive for purposes of such investigations or autopsies, subject to the rules and conditions previously established by the Secretary of Justice, the aid of the medico-legal section of the Division of Investigation of the Department of Justice. In case the fiscal of the city deems it necessary

to have further expert assistance for the satisfactory performance of his duties in relation with medico-legal matters or knowledge, including the giving of medical testimony in the courts of justice, he shall request the same, in the same manner and subject to the same rules and conditions as above specified, from the medico-legal officer of the said division, who shall thereupon furnish the assistance required, in accordance with his powers and facilities. He shall at times render such professional services as the Mayor or Board may require, and shall have such powers and perform such other duties as may be prescribed by law or ordinance.

The fiscal of the city and his assistants shall receive the salaries hereinafter set forth, which shall be paid by the City of Manila:

- (a) Fiscal of the City, nine thousand pesos *per annum*;
- (b) One assistant fiscal, seven thousand two hundred pesos *per annum*;
- (c) Two assistant fiscals, six thousand pesos *per annum* each;
- (d) Two assistant fiscals, five thousand one hundred pesos *per annum* each;
- (e) Two assistant fiscals, four thousand five hundred pesos *per annum* each;
- (f) Two assistant fiscals, three thousand nine hundred sixty pesos *per annum* each;
- (g) One assistant fiscal, three thousand four hundred eighty pesos *per annum*;
- (h) Two assistant fiscals, two thousand nine hundred forty pesos *per annum* each;
- (i) Six assistant fiscals, two thousand five hundred eighty pesos *per annum* each;
- (j) Four assistant fiscals, two thousand four hundred pesos *per annum* each."

SEC. 2. This Act shall take effect upon its approval.

Approved, May 26, 1940.

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[COMMONWEALTH ACT No. 361]

AN ACT TO AMEND SECTIONS TWENTY-FOUR HUNDRED AND SIXTY-SIX AND TWENTY-FOUR HUNDRED AND SIXTY-EIGHT OF THE ADMINISTRATIVE CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Sections twenty-four hundred and sixty-six and twenty-four hundred and sixty-eight of the Administrative Code are amended so as to read as follows:

SEC. 2466. *Regular and acting judges of municipal courts.*—There shall be a municipal court for the City of Manila, for which four judges shall be appointed, to be known, respectively, as judge of the first, second, third and fourth branch. Whenever the public interest so requires, the Secretary of Justice may designate any of the judges to hold session at night.

“The municipal court shall have the same jurisdiction in civil and criminal cases and the same incidental powers as at present conferred by law upon the municipal court and justice of the peace court of the City of Manila, and such additional jurisdiction and powers as may hereafter be conferred upon them by law. The cases pertaining to the municipal court shall be distributed in accordance with rules to be prescribed by the Secretary of Justice.

“In case of absence, sickness or incapacity of any of the judges of the municipal court and in case of any vacancy in said offices, the Secretary of Justice may designate any assistant attorney of the Solicitor-General's office or provincial fiscal to act as judge of the municipal court of the

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City of Manila, with all the powers of a regular judge of said court; but such acting judge shall not receive any additional compensation during the time he is acting as judge.

"SEC. 2468. *Jurisdiction of Municipal Court.*—The Municipal Court shall have territorial jurisdiction embracing the entire police jurisdiction of the city, and shall hold a daily session, Sundays and legal holidays alone excepted, *Provided, however,* That when a legal holiday occurs in two or more successive days or when a Sunday is immediately preceded and/or followed by a holiday, the Municipal Court may hold night sessions during said holidays. Said court shall have jurisdiction exclusive of the other courts sitting in the city over all criminal cases arising under the ordinances of the city, and over all criminal cases arising under the penal laws of the Philippines, where the offense is committed within the police jurisdiction of the city and the maximum punishment is by imprisonment for not more than six months, or a fine of not more than two hundred pesos, or both. It shall also have concurrent jurisdiction with the Courts of First Instance over all criminal cases arising under the laws relating to gambling and management of lotteries, to assaults where the intent to kill is not charged or evident upon the trial, to larceny, embezzlement and estafa where the amount of money or property stolen, embezzled or otherwise involved does not exceed the sum or value of two hundred pesos, to the sale of intoxicating liquors, to falsely impersonating an officer, to malicious mischief, to trespass on Government or private property, and to threatening to take human life. It may also conduct preliminary examinations for any offense, without regard to the limits of punishment, and may release, or commit and bind over any person charged with such offense to secure his appearance before the proper court.

SEC. 2. This Act shall take effect upon its approval.

Approved, August 22, 1938.

22130



[No. 4173]

AN ACT AMENDING SECTIONS TWENTY-FOUR HUNDRED AND EIGHTY-ONE, TWENTY-FOUR HUNDRED AND NINETY-THREE, TWENTY-FOUR HUNDRED AND NINETY-EIGHT AND TWENTY-FIVE HUNDRED AND TWO OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, KNOWN AS THE REVISED ADMINISTRATIVE CODE, AS AMENDED, AND ADDING A NEW SECTION AFTER SECTION TWENTY-FIVE HUNDRED AND TWO.

Be it enacted by the Senate and House of Representatives of the Philippines in Legislature assembled and by the authority of the same:

SECTION 1. Section twenty-four hundred and eighty-one of Act Numbered Twenty-seven hundred and eleven, known as the Administrative Code, as amended by section one of Act Numbered Twenty-nine hundred and ninety-one, is hereby further amended so as to read as follows:

"SEC. 2481. *Powers and duties of the city assessor.*— There shall be a city assessor, who shall have charge of the department of assessment. The city assessor and his authorized deputies, who are empowered to administer any oath authorized to be administered in connection with the valuation of real estate for the assessment or collection of taxes, shall appraise and value all the real estate in the city, and assess for taxation all such real estate not expressly exempt, except machines, mechanical contrivances, instruments, tools, implements, appliances, apparatus, and

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paraphernalia used for industrial, agricultural, or manufacturing purposes, which shall be excluded from such valuation and assessment whether or not attached to lands or buildings. He shall prepare and file with the city treasurer before April first of every year a list of the real estate so valued which is exempt from taxation and a separate list of the taxable real estate: *Provided, nevertheless*, That if any taxpayer desires to pay his tax before April first the city assessor must furnish the city treasurer upon request a certified list of the assessed value of the real estates of such taxpayer pertaining to the year for which the tax is offered to be paid.

“Whenever the words ‘city assessor and collector’ occur in this Act in relation to any matter pertaining to assessment, or property falling under such department, the same shall be deemed to mean the city assessor, and all the duties and powers heretofore devolving upon such officer shall hereafter be performed and exercised by the city assessor.”

SEC. 2. Section twenty-four hundred and ninety-three of Act Numbered Twenty-seven hundred and eleven, known as the Administrative Code, as amended by section one of Act Numbered Three thousand and forty-eight, is hereby further amended so as to read as follows:

SEC. 2493. *Annual tax and penalties—Extension, remission of the payment of the tax.*—An annual tax of one and one-half per centum on the assessed value of all real estate in the city subject to taxation as hereinbefore provided is hereby levied. The tax for any year shall be due on the first of January, and become payable on or before the thirtieth day of June of each year, and if any taxpayer shall fail to pay the taxes assessed against him on or before the thirtieth day of June of the year for which such taxes are due, he shall be delinquent in such payment and shall be subject to a penalty of ten per centum of the amount of the original tax due, if payment is made during the first and second month of delinquency, and thereafter to an additional penalty of two per centum for each month or fraction thereof of delinquency, but in no case shall the

total penalty on each annual tax exceed twenty-four per centum of the original tax, the penalty to be collected at the same time and in the same manner as the original tax.

"At the option of the taxpayer, the tax due for any year may be paid in two installments, the first of such installments to consist of one per centum of the assessed valuation of the property and the second to consist of the remainder of the tax for the year. In such cases the first installment must be paid on or before the thirtieth day of June of the year for which the tax is due, and the second may be paid at any time prior to the first day of January of the following year, but if the first installment of the tax for any year is not paid on or before the thirtieth day of June of such year, then the whole of that year's tax shall be delinquent and the penalty due thereon as hereinbefore provided. If any taxpayer, having paid the first installment of his tax for any year, shall fail to pay the second installment thereof before the first day of January of the following year, he shall be subject to a penalty of ten per centum of such delinquent installment, if payment is made during the first and second month of delinquency; and thereafter to an additional penalty of two per centum for each month or fraction thereof of delinquency; but in no case shall the total penalty on such unpaid tax exceed twenty-four per centum of the amount due.

"The penalties thus imposed shall be accounted for by the city treasurer in the same manner as the tax. In the event that such tax and penalty shall remain unpaid for fifteen days after the tax becomes delinquent the city treasurer shall proceed to make collection thereof in the manner hereinafter prescribed.

"The Municipal Board may extend the time for the collection of the tax on real estate in the City of Manila for a period not to exceed three months. It may also remit all or part of the tax on real estate or the penalties thereon during the ensuing year in case there are good and sufficient reasons for it. The resolution in any such case shall

not take effect until it has been approved by the Governor-General.

"The Governor-General may, in his discretion, extend the time for the collection of the tax on real estate in Manila until a date within the same calendar year and may also remit or reduce the tax on real estate during any year if he deems this to be in the public interest."

SEC. 3. Section twenty-four hundred and ninety-eight of Act Numbered Twenty-seven hundred and eleven, known as the Administrative Code, is hereby amended so as to read as follows:

"SEC. 2498. *Procedure for sale of real estate for taxes, etc.*—In addition to the procedure prescribed in section two thousand four hundred and ninety-four hereof the city treasurer may, upon the warrant of the certified record required in said section, not less than twenty days after delinquency, advertise the real estate of the delinquent for sale, or so much thereof as may be necessary to satisfy all public taxes upon said property as above, with penalties and costs of sale, for a period of thirty days.

"The advertisement shall be by posting a notice at the main entrance of the public building and in a public and conspicuous place in the district in which the real estate lies, and by publication once a week, for three weeks, in a newspaper of general circulation published in the city, if any there be. Such publication in a local newspaper shall be considered sufficient for the purpose of this Act, the provisions of Act Numbered Twenty-nine hundred and thirty notwithstanding. The advertisement shall state the amount of the taxes and penalties so due, the time and place of sale, the name of the taxpayer against whom the taxes are levied, and the approximate area, the lot and block number, the location by district and street, and the street number, if the property has a street number, of the real estate to be sold. At any time before the day fixed for the sale, the taxpayer may discontinue all proceedings by paying the taxes, penalties, and costs to the city treasurer. If he does not do so the sale shall proceed and shall

be held either at the main entrance of the municipal building or on the premises to be sold, as the city treasurer may determine. Within five days after the sale the city treasurer shall make return of the proceedings and spread it on his records. The purchaser at the sale shall receive a certificate from the city treasurer from his records, showing the proceedings of the sale, describing the property sold, stating the name of the purchaser, and setting out the exact amount of all public taxes, penalties, and costs.

"It shall not be essential to the validity of sale of real estate for delinquent taxes hereunder that the city treasurer shall have attempted to make the amount due out of the personal property of the delinquent taxpayer, and the remedy provided in section two thousand four hundred and ninety-four hereof shall be deemed cumulative only."

SEC. 4. Section twenty-five hundred and two of Act Numbered Twenty-seven hundred and eleven, known as the Administrative Code, is hereby amended so as to read as follows:

"SEC. 2502. *Deed to city if forfeited real estate not redeemed.*—Within one year from the date of such forfeiture thus declared the taxpayer, or anyone for him, may redeem said realty as above provided in cases where the same is sold. But, if the realty is not thus redeemed within the year, the forfeiture shall become absolute and the city treasurer shall execute a deed similar in form and having the same effect as the deed required to be made by him in case of a sale, conveying the real estate to the city. The deed shall be recorded as required by law for other real estate titles and shall then be forwarded to the Mayor for notation and return to the city treasurer who shall file same and enter it in his records of city property."

SEC. 5. A new section twenty-five hundred and two-A is hereby added after section twenty-five hundred and two of the Administrative Code, to read as follows:

"SEC. 2502-A. *Repurchase by owner after absolute forfeiture.*—After the title to the property shall have become absolutely vested in the Government of the City of Manila

in the manner above provided, and at any time before a sale or contract of sale has been made by the city treasurer to a third party in the manner provided for by law, the original owner or his legal representative shall have a further right to repurchase the entire amount of the property in question, by paying therefor the full amount then due for taxes, penalties, and costs, together with an additional penalty of fifteen per centum upon the whole, and if the City Mayor has made a contract for the lease of the property the repurchase may be made subject to such contract."

SEC. 6. This Act shall take effect on January first, nineteen hundred and thirty-five.

Approved, December 4, 1934.

238512



[COMMONWEALTH ACT No. 410]

AN ACT TO AMEND THE REVISED ADMINISTRATIVE CODE, BY INSERTING BETWEEN SECTIONS TWENTY-FIVE HUNDRED FORTY-FIVE AND TWENTY-FIVE HUNDRED FORTY-SIX, A NEW SECTION, TO BE KNOWN AS SECTION TWENTY-FIVE HUNDRED FORTY-FIVE-A, REGARDING SALARIES OF OFFICIALS OF THE CITY OF BAGUIO.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. A new section is inserted between sections twenty-five hundred forty-five and twenty-five hundred forty-six of the Administrative Code, which shall be known as section twenty-five hundred forty-five-A, and shall read as follows:

"SEC. 2545-A.—*Salaries of city officials.*—The following city officials shall receive the following salaries, payable from the funds of the city:

"(a) Mayor, at seven thousand two hundred pesos per annum.

"(b) City treasurer, at five thousand four hundred pesos per annum.

"(c) City auditor, at four thousand five hundred pesos per annum."

SEC. 2. This Act shall take effect on its approval.

Enacted, without Executive approval, September 15, 1938.

22280



[COMMONWEALTH ACT No. 533]

AN ACT TO AMEND PARAGRAPH (d) OF SECTION TWENTY-FIVE HUNDRED AND FIFTY AND SECTION TWENTY-FIVE HUNDRED AND FIFTY-TWO OF THE ADMINISTRATIVE CODE AS AMENDED, SO AS TO VEST THE MAYOR OF THE CITY OF BAGUIO WITH VETO POWER AND THE COUNCIL OF SAID CITY WITH POWER TO OVER-RIDE SUCH VETO.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Paragraph (d) of section twenty-five hundred and fifty, of the Administrative Code is amended to read as follows:

"(d) He may exercise the power of veto, but any vetoed ordinance or resolution may be repassed by a two-thirds vote of all the members of the council; he shall preside at all meetings of the city council, may participate in its discussions, but he shall have no right to vote except in case of a tie; and he shall sign the secretary's record of the proceedings of each meeting of the council at the same meeting at which same is approved by the council."

SEC. 2. Section twenty-five hundred and fifty-two of the Administrative Code is amended to read as follows:

"SEC. 2552. *The city council—Meetings—Ordinances.*—There shall be a city council composed of the mayor as presiding officer, vice-mayor, and three other members, two of whom shall be elected in conformity with the provisions of the Election Code. The council shall fix the times and places for its regular meetings, which shall be held once in each week, and shall hold special meetings when called by the mayor. Any meeting, regular or special, may, in

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case the amount of business shall require, be adjourned from day to day until the business is completed. Meetings shall be open to the public, unless otherwise ordered by an affirmative vote of a majority of its members. It shall keep a record of its proceedings and determine its rules of procedure not herein set forth. A majority of the council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. The *ayes* and *nays* shall be taken and recorded upon the passage of all ordinances, upon all resolutions or motions directing the payment of money or creating liability, and, at the request of any member, upon any other motion or resolution. The affirmative vote of a majority of all the members of the city council shall be necessary for the passage of any ordinance, or any resolution or motion directing the payment of money or creating liability, but other measures shall prevail upon the majority vote of the members present at any meeting duly called and held. Each ordinance shall be sealed with the city seal, signed by the mayor and the city secretary, and recorded in a book kept for that purpose. Each ordinance shall, on the day after its passage, be posted by the city secretary at the main entrance to the municipal building, and shall take effect and be in force on and after the tenth day following its passage, unless vetoed by the mayor before the expiration of said ten-day period. A vetoed ordinance or resolution, if repassed, shall take effect ten days after the veto is overridden by two-thirds vote of all the members of the city council."

SEC. 3. This Act shall take effect upon its approval.

Approved, May 26, 1940.

43664



[COMMONWEALTH ACT No. 665]

AN ACT AMENDING PARAGRAPH (d) OF SECTION
TWENTY-FIVE HUNDRED AND FIFTY OF THE
ADMINISTRATIVE CODE AS AMENDED.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Paragraph (d) of section twenty-five hundred and fifty of the Administrative Code, as amended, is further amended to read as follows:

"(d) He may exercise the power of veto, but any vetoed ordinance or resolution may be repassed by a two-thirds vote of all the members of the council; he shall preside at all meetings of the city council, may participate in its discussions, shall have the right to vote, and he shall sign the secretary's record of the proceedings of each meeting of the council at the same meeting at which the ordinance or resolution is approved by the council."

SEC. 2. This Act shall take effect upon its approval.

Enacted, without Executive approval, June 22, 1941.

55832



[COMMONWEALTH ACT No. 366]

AN ACT TO AMEND PARAGRAPH (e) OF SECTION
TWENTY-FIVE HUNDRED SIXTY OF THE AD-
MINISTRATIVE CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Paragraph (e) of section twenty-five hundred sixty of the Administrative Code, is amended so as to read as follows:

“(e) He shall have charge of the prosecution of all crimes, misdemeanors, and violations of city ordinances in the Court of First Instance and in the municipal court of the city.”

SEC. 2. This Act shall take effect upon its approval.

Approved, August 23, 1938.

22224



[COMMONWEALTH ACT No. 143]

AN ACT TO AMEND ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, COMMONLY KNOWN AS THE ADMINISTRATIVE CODE OF NINETEEN HUNDRED AND SEVENTEEN, BY INSERTING SECTION TWENTY-FIVE HUNDRED AND SIXTY-ONE (A) BETWEEN SECTIONS TWENTY-FIVE HUNDRED AND SIXTY-ONE AND TWENTY-FIVE HUNDRED AND SIXTY-TWO THEREOF.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. A new section is hereby inserted between sections twenty-five hundred and sixty-one and twenty-five hundred and sixty-two of Act Numbered Twenty-seven hundred and eleven, which shall read as follows:

"SEC. 2561 (A). The city attorney and assistant city attorney shall receive compensation to be paid out of the city treasury not exceeding five thousand pesos and three thousand pesos per annum, respectively: *Provided*, That with the approval of the Secretary of the Interior first had, the city council may, in its discretion, provide quarters for said officials or commute the same, in addition to their salary."

SEC. 2. This Act shall take effect upon its approval.

Approved, November 7, 1936.

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[COMMONWEALTH ACT No. 224]

AN ACT TO AMEND SECTION TWENTY-FIVE HUNDRED AND SIXTY-TWO AND TO INSERT FOUR NEW SECTIONS BETWEEN SECTION TWENTY-FIVE HUNDRED AND SIXTY-TWO AND TWENTY-FIVE HUNDRED AND SIXTY-THREE OF ACT NUMBERED TWENTY-SEVEN HUNDRED AND ELEVEN, KNOWN AS THE REVISED ADMINISTRATIVE CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section twenty-five hundred and sixty-two of Act Numbered Twenty-seven hundred and eleven, known as the Revised Administrative Code, is hereby amended to read as follows:

"SEC. 2562. *The Municipal Court.*—There shall be a Municipal Court for the City of Baguio, for which one judge shall be appointed. In case of absence, sickness or incapacity of the judge of the Municipal Court, the Secretary of Justice may designate any assistant attorney of the Bureau of Justice or provincial fiscal to act as judge of the Municipal Court of the City of Baguio, with all the powers of the regular judge of said Court; but such acting judge shall not receive any additional compensation during the time he is acting as judge."

SEC. 2. Four new sections are hereby inserted between sections twenty-five hundred and sixty-two and twenty-five hundred and sixty-three, of Act Numbered Twenty-seven hundred and eleven, which shall be known as sections twenty-five hundred and sixty-two-A, twenty-five hundred and sixty-two-B, twenty-five hundred and sixty-two-C, and

twenty-five hundred and sixty-two-D, and shall read as follows:

SEC. 2562-A. *Jurisdiction of the Municipal Court.*—The Municipal Court shall have territorial jurisdiction embracing the entire police jurisdiction of the city, and shall hold a daily session, Sundays and legal holidays alone excepted. Said court shall have exclusive jurisdiction over all criminal cases arising under the ordinances of the city, and over all criminal cases under the penal laws of the Philippines where the offense is committed within the police jurisdiction of the city and the maximum punishment is by imprisonment for not more than six months, or a fine of not more than two hundred pesos, or both. It shall also have concurrent jurisdiction with the Court of First Instance over all criminal cases arising under the laws relating to gambling and management of lotteries, to assaults where the intent to kill is not charged or evident upon the trial, to larceny, embezzlement and *estafa* where the amount of money or property stolen, embezzled or otherwise involved does not exceed the sum or value of two hundred pesos, to the sale of intoxicating liquors, to falsely impersonating an officer, to malicious mischief, to trespass on Government or private property, and to threatening to take human life. It may also conduct preliminary examinations for any offense, without regard to the limits of punishment, and may release, or commit and bind over any person charged with such offense to secure his appearance before the proper court.

The judge of the Municipal Court shall exercise like and equal jurisdiction in civil actions as that conferred upon justices of the peace in general.

The Municipal Court shall follow the same procedure as that provided by law in justices of the peace court, and shall have the same incidental powers. The same procedure as in the justice of the peace court shall also be followed on appeal from the Municipal Court to the Court of First Instance.

SEC. 2562-B. *Costs, fees, fines, and forfeitures in the Municipal Court.*—All costs, fees, fines, and forfeitures shall be collected by the clerk of the court, who shall keep a

docket of those imposed and of those collected, and shall turn over collections of the same to the city treasurer for the benefit of the city, on the next business day after the same are collected, and take receipts therefor.

SEC. 2562-C. *The clerk of the Municipal Court.*—The clerk of the Municipal Court shall keep its seal and affix it to all orders, judgments, certificates, records, and other documents issued by the court. He shall keep a docket of the trials in the court, in which he shall record in a summary manner the name of the defendant, the charge against him, the name of the prosecuting witness, the date of the arrest, the appearance of the defendant, the date of the trial, and the nature of the judgment, together with the fines and costs adjudged or collected in accordance with the judgment. He shall have power to administer oaths.

SEC. 2562-D. *Qualifications and salary of the judge of the Municipal Court.*—No person shall be appointed Judge of the Municipal Court of the City of Baguio, unless he shall be (1) at least thirty years of age; (2) citizen of the Philippines or of the United States, and (3) have practiced law in the Philippines for a period of four years prior to his appointment or shall during like period have held in the Philippines any office for which a lawyer's diploma is an indispensable requisite. The salary of the Judge of the Municipal Court of the City of Baguio shall be four thousand eight hundred pesos *per annum*. With the approval of the Secretary of the Interior first had, the city council may, in its discretion, provide quarters for the Judge of the Municipal Court or commute the same, in addition to his salary.

SEC. 3. This Act shall take effect upon its approval.

Approved, November 29, 1936.

3354



[COMMONWEALTH ACT No. 22]

AN ACT TO AMEND SECTION TWO THOUSAND SIX HUNDRED AND FIVE OF THE REVISED ADMINISTRATIVE CODE, BY AUTHORIZING THE PRESIDENT OF THE PHILIPPINES TO DESIGNATE ANY OFFICER OR EMPLOYEE OR SUITABLE PERSON NOT IN THE SERVICE AS ACTING PROVINCIAL GOVERNOR, UNDER CERTAIN CONDITIONS, AND FOR OTHER PURPOSES.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section two thousand six hundred and five of the Revised Administrative Code is hereby amended to read as follows:

"SEC. 2605. *The provincial board, members of.*—The following officers of the provincial government to wit, the provincial governor, the provincial treasurer, and the member or members of the provincial board, as the case may be, shall constitute the provincial board. The provincial governor shall be the presiding officer of the board. In case of the absence, illness, suspension or other temporary disability of the provincial governor, or if, for any other reason, he is unable to perform his official duties, the President of the Philippines may designate any other officer or employee to perform the duties of the position or he may temporarily appoint thereto a suitable person not in the service. Until the President of the Philippines shall act, the duties of the provincial governor shall be performed by a member of the provincial board or by the provincial treasurer, whoever may have been previously authorized by the

provincial governor. When a member of the provincial board or the provincial treasurer is thus designated, the authority may be limited to the performance, during the absence of the governor from the provincial capital, of such of his duties as can be conveniently performed at the capital or it may be limited to the performance of specific acts or classes of acts. Every such designation shall be in writing and shall be spread on the minutes of the provincial board. Copies of all the resolutions of the provincial board and executive orders of the provincial governor shall be furnished the Department of the Interior, under such regulations as it may prescribe."

SEC. 2. This Act shall take effect on its approval.

Approved, July 28, 1936.

526



[COMMONWEALTH ACT No. 298]

AN ACT TO AMEND SUBSECTION (d) OF SECTION
TWENTY-SIX HUNDRED AND FOURTEEN OF
THE ADMINISTRATIVE CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section twenty-six hundred and fourteen (d) of the Administrative Code is amended so as to read as follows:

"SEC. 2614. (d) *Classification*.—Municipalities are divided into five classes, according to their receipts, as follows: municipalities of the first class shall be those the annual receipts of which averaged fifty thousand pesos or more during the last three years, and shall have eight councilors; of the second class, those the annual receipts of which averaged thirty thousand pesos or more, but less than fifty thousand pesos during the last three years, and shall have eight councilors; of the third class, those the annual receipts of which averaged fifteen thousand pesos or more, but less than thirty thousand pesos during the last three years, and shall have six councilors; of the fourth class, those the annual receipts of which averaged five thousand pesos or more, but less than fifteen thousand pesos during the last three years, and shall have six councilors; of the fifth class, those the annual receipts of which averaged less than five thousand pesos during the last three years, and shall have four councilors.

"Beginning with the year nineteen hundred and thirty-nine and for each period of three consecutive years there-

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after, the Secretary of the Interior shall order the classification of the municipalities readjusted in accordance with the rules established in the last preceding paragraph: *Provided, however,* That the councilors elected at the last regular election in each municipality shall continue to hold office during the term for which they were elected, and the reduction or increase of the number of councilors in accordance with the classification of municipalities herein prescribed shall take effect immediately after the ordinary municipal elections held after the classification is made."

SEC. 2. The provisions of section twenty-six hundred and sixteen of the Administrative Code is repealed.

SEC. 3. This Act shall take effect on its approval.

Approved, June 9, 1938.

19318



[COMMONWEALTH ACT No. 479]

AN ACT AUTHORIZING THE PAYMENT OF PER
DIEMS TO VICE-MAYORS AND COUNCILORS OF
THE MUNICIPALITIES OF SPECIALLY ORGAN-
IZED PROVINCES AND OF THE MUNICIPAL DIS-
TRICTS OF ALL PROVINCES.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Subsection (f) of section twenty-six hundred
and fifteen of the Administrative Code is amended to read
as follows:

“(f) *Compensation of vice-mayors and councilors.*—The
municipal council of a municipality of specially organized
province, or of a municipal district of any province, may,
with the approval of the provincial board and the depart-
ment of the Interior, grant to the vice-mayor and each coun-
cilor a per diem not to exceed two pesos for each day of
regular session of the council actually attended by them;
but when, by reason of absence, suspension, or other dis-
ability, the mayor ceases to discharge the duties of his
office, the vice-mayor, or councilor, acting in his stead shall
receive compensation equivalent to the salary of the mayor
during the period of such service.”

SEC. 2. This Act shall take effect upon its approval.

Enacted, without Executive approval, June 18, 1939.

31694



[COMMONWEALTH ACT No. 42]

AN ACT TO AMEND SECTION TWO THOUSAND SIX
HUNDRED AND SEVENTEEN OF THE REVISED
ADMINISTRATIVE CODE.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section two thousand six hundred and seventeen of the Revised Administrative Code is hereby amended to read as follows:

"SEC. 2617. *Election of president, vicepresident and councilors.*—The president, vicepresident and councilors of a municipality or municipal district shall be chosen by the qualified electors of the municipality or municipal district in accordance with the provisions of the Election Law, but no election shall be held in any municipal district unless one is called for such district by a proclamation of the President of the Philippines."

SEC. 2. This Act shall take effect upon its approval.

Approved, October 13, 1936.

3270



[COMMONWEALTH ACT No. 207]

AN ACT TO AMEND SECTIONS TWENTY-SEVEN HUNDRED AND TWENTY-SEVEN AND TWENTY-SEVEN HUNDRED AND TWENTY-EIGHT OF THE ADMINISTRATIVE CODE, BY IMPOSING A PENALTY ON ANY PERSON FOUND IN POSSESSION OF ARTICLES SUBJECT TO SPECIFIC TAX, THE TAX ON WHICH HAS NOT BEEN PAID; BY PROVIDING FOR AN INCREASED PENALTY FOR SUBSEQUENT UNLAWFUL POSSESSION; AND BY INCREASING THE PENALTY FOR A SUBSEQUENT UNLAWFUL REMOVAL OF SUCH ARTICLES.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section twenty-seven hundred and twenty-seven of Act Numbered Twenty-seven hundred and eleven, known as the Administrative Code, is hereby amended to read as follows:

"SEC. 2727. *Unlawful possession or removal of articles subject to specific tax without payment of tax.*—Any person who is found in possession of articles subject to specific tax, in quantities equal to or more than the minimum amount authorized to be removed from the factory or customs premises, and which have not been acquired from any duly licensed store open to the public, the tax on which has not been paid in accordance with law, shall be punished by a fine of not less than three times the amount of the specific tax due on the articles found but not less than two hundred pesos nor more than five hundred pesos, or imprisonment of from four months and one day

to four years and two months, or both, at the discretion of the court. Any manufacturer, owner, or person in charge of any article subject to a specific tax who removes or allows or procures the unlawful removal of any such article from the place of manufacture or bonded warehouse, upon which article the specific tax has not been paid in the time and manner required, and any person who knowingly aids or abets in the removal of such articles as aforesaid, or conceals the same after illegal removal, shall for the first offense be punished by a fine of five times the amount of the specific tax due on the articles removed, but not less than five hundred pesos nor more than four thousand pesos, or imprisonment of not less than six months and one day but not more than six years, or both, at the discretion of the court.

"Every manufacturer so offending shall, before continuing or resuming business, execute a bond in double the amount of his original bond and containing the same conditions."

SEC. 2. Section twenty-seven hundred and twenty-eight of Act Numbered Twenty-seven hundred and eleven, known as the Administrative Code, is hereby amended to read as follows:

"SEC. 2728. *Punishment for subsequent offense.*—In case of reincidence, the offender under the preceding section shall be punished by a fine of not less than ten times the amount of the specific tax due on the articles found or removed, but not less than one thousand pesos nor more than ten thousand pesos, or imprisonment of from one year and one day to eight years, or both, at the discretion of the court; and if the offense be committed by the owner or the manufacturer, or by his connivance, the factory and the ground upon which it stands, including the machinery and apparatus used in and about the business, shall be forfeited to the Government."

SEC. 3. This Act shall take effect upon its approval.

Approved, November 20, 1936.



[COMMONWEALTH ACT No. 134]

AN ACT APPROPRIATING THE SUM OF FIFTY THOUSAND PESOS FOR THE CONTROL AND ERADICATION OF FOOT-AND-MOUTH DISEASE AND OTHER CONTAGIOUS ANIMAL DISEASES AT PRESENT THREATENING THE LIVESTOCK INDUSTRY OF THE COUNTRY.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. There is hereby appropriated out of any funds in the Philippine Treasury not otherwise appropriated the sum of Fifty thousand pesos for the control and eradication of foot-and-mouth disease and other contagious animal diseases now threatening the livestock industry of the country.

SEC. 2. The Secretary of Agriculture and Commerce is hereby authorized to disburse the fund herein appropriated for the payment of salaries, wages and traveling expenses of the necessary personnel; for the purchase of motor vehicles and other needed equipment, disinfectants and supplies for the campaign against the diseases; and for such other expenses as may be deemed necessary to carry out the purposes of this Act.

SEC. 3. Subject to the executive control of the Secretary of Agriculture and Commerce, the Director of Animal Industry shall be directly charged with the proper enforcement of the provisions of this Act and, with the approval of the said Department Head, shall prescribe the necessary orders, rules and regulations to carry out the purposes hereof. Any violation of the orders, rules and regulations to be prescribed pursuant to this Act shall be punished in accordance with the provisions of section twenty-seven hundred and forty-seven of Act Numbered Twenty-seven hundred and eleven, commonly known as the Revised Administrative Code.

SEC. 4. This Act shall take effect upon its approval.

Approved, November 7, 1936.



[COMMONWEALTH ACT No. 447]

AN ACT TO FURTHER AMEND SECTION TWENTY-SEVEN HUNDRED AND FIFTY-ONE OF THE ADMINISTRATIVE CODE, AS AMENDED BY ACT NUMBERED THIRTY-THREE HUNDRED AND FOURTEEN.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Section twenty-seven hundred and fifty-one of the Administrative Code, as amended by Act Numbered Thirty-three hundred and fourteen, is further amended to read as follows:

"SEC. 2751. *Unlawful occupation or destruction of public forest.*—Without written permission of the Director of Forestry or his duly authorized representative, it shall be unlawful for any person willfully to enter upon any public forest, proclaimed timberland, communal forest, communal pasture, and forest reserve and occupy same, or to make *caiñgin* therein or in any manner destroy such forest or part thereof, or to cause any damage to the timber stand and other forest products and forest growth found therein, or to assist, aid or abet any other person so to do. It shall also be unlawful for any person negligently to permit a fire which has been set upon his own premises to be communicated, with destructive results, to any of the public forests herein-above described. Any person violating this section shall suffer.

"(a) If the offense is committed within a proclaimed timber land or a communal forest or communal pasture, a fine of three times the regular government charges upon the timber or other forest products so unlawfully destroyed, and in addition thereto, imprisonment for not less than two months nor more than four months;

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“(b) If the offense is committed within a forest reserve, a fine of four times the regular government charges on the timber or other forest products so unlawfully destroyed, and in addition thereto, imprisonment for not less than four months nor more than six months;

“(c) If the offense is committed in any of the public forest, other than those mentioned under subsections (a) and (b) hereof, a fine equivalent to twice the regular government charges upon the timber or other forest products so unlawfully destroyed, and in addition thereto, imprisonment for not less than one month nor more than two months.

“In all cases falling under this section, the court shall, upon conviction, order the eviction of the offender from the land, and the forfeiture to the Government of any construction or improvement made thereon. If the area is reforested or under reforestation the Government may, in addition to the penalties herein provided, recover in a separate civil action, double the actual damages sustained as determined by the value of plantings and improvements destroyed and the detriment to the land and vegetation thereof.

“No person who has occupied any portion of these forests in good faith for more than five years prior to the approval of this Act shall be subject to the penalty prescribed herein. Should the area so occupied be found to be more fitted for agricultural than for timber purposes, the same may be disposed of in favor of the actual occupant or occupants under the provisions of Commonwealth Act Numbered one hundred and forty-one.”

SEC. 2. This Act shall take effect on its approval.

Approved, June 8, 1939.

31676



[No. 4131]

AN ACT TO REPEAL SECTION TWENTY-SEVEN
HUNDRED AND FIFTY-TWO OF ACT NUMBERED
TWENTY-SEVEN HUNDRED AND ELEVEN,
KNOWN AS THE ADMINISTRATIVE CODE.

*Be it enacted by the Senate and House of Representatives
of the Philippines in Legislature assembled and by the
authority of the same:*

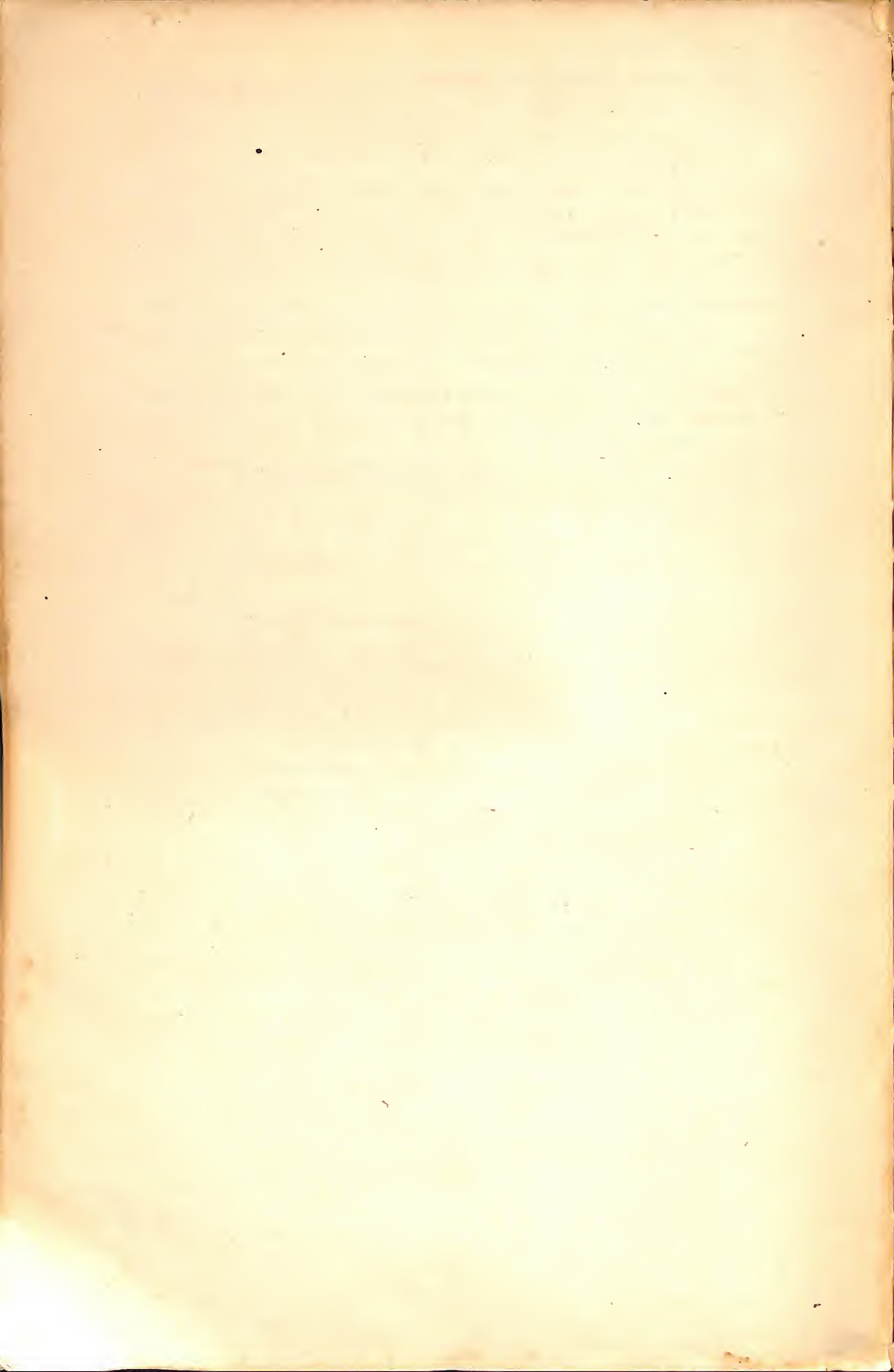
SECTION 1. Section twenty-seven hundred and fifty-two
of Act Numbered Twenty-seven hundred and eleven is
hereby repealed.

SEC. 2. This Act shall take effect on its approval.

Approved, November 22, 1934.

288494





CONSTITUTION OF THE PHILIPPINES

[Adopted by the Philippine Constitutional Convention at the City of Manila, Philippine Islands, on the eighth day of February, nineteen hundred and thirty-five, and approved by the President of the United States on the twenty-third day of March, nineteen hundred and thirty-five]

The Filipino people, imploring the aid of Divine Providence, in order to establish a government that shall embody their ideals, conserve and develop the patrimony of the nation, promote the general welfare, and secure to themselves and their posterity the blessings of independence under a régime of justice, liberty, and democracy, do ordain and promulgate this Constitution.

ARTICLE I.—THE NATIONAL TERRITORY

SECTION 1. The Philippines comprises all the territory ceded to the United States by the treaty of Paris concluded between the United States and Spain on the tenth day of December, eighteen hundred and ninety-eight, the limits of which are set forth in Article III of said treaty, together with all the islands embraced in the treaty concluded at Washington, between the United States and Spain on the seventh day of November, nineteen hundred, and in the treaty concluded between the United States and Great Britain on the second day of January, nineteen hundred and thirty, and all territory over which the present Government of the Philippine Islands exercises jurisdiction.

ARTICLE II.—DECLARATION OF PRINCIPLES

SECTION 1. The Philippines is a republican state. Sovereignty resides in the people and all government authority emanates from them.

SEC. 2. The defense of the State is a prime duty of government, and in the fulfillment of this duty all citizens may be required by law to render personal military or civil service.

SEC. 3. The Philippines renounces war as an instrument of national policy, and adopts the generally accepted principles of international law as a part of the law of the Nation.

SEC. 4. The natural right and duty of parents in the rearing of the youth for civic efficiency should receive the aid and support of the Government.

SEC. 5. The promotion of social justice to insure the well-being and economic security of all the people should be the concern of the State.

ARTICLE III.—BILL OF RIGHTS

SECTION 1. (1) No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

(2) Private property shall not be taken for public use without just compensation.

(3) The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, to be determined by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched, and the persons or thing to be seized.

(4) The liberty of abode and of changing the same within the limits prescribed by law shall not be impaired.

(5) The privacy of communication and correspondence shall be inviolable except upon lawful order of the court or when public safety and order require otherwise.

(6) The right to form associations or societies for purposes not contrary to law shall not be abridged.

(7) No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof, and the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.

(8) No law shall be passed abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.

(9) No law granting a title of nobility shall be enacted, and no person holding any office of profit or trust shall, without the consent of the National Assembly, accept any present, emolument, office, or title of any kind whatever from any foreign state.

(10) No law impairing the obligation of contracts shall be passed.

(11) No *ex post facto* law or bill of attainder shall be enacted.

(12) No person shall be imprisoned for debt or nonpayment of a poll tax.

(13) No involuntary servitude in any form shall exist except as a punishment for crime whereof the party shall have been duly convicted.

(14) The privilege of the writ of *habeas corpus* shall not be suspended except in cases of invasion, insurrection, or rebellion, when the public safety requires it, in any of which events the same may be suspended wherever during such period the necessity for such suspension shall exist.

(15) No person shall be held to answer for a criminal offense without due process of law.

(16) All persons shall before conviction be bailable by sufficient sureties, except those charged with capital offenses when evidence of guilt is strong. Excessive bail shall not be required.

(17) In all criminal prosecutions the accused shall be presumed to be innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses in his behalf.

(18) No person shall be compelled to be a witness against himself.

(19) Excessive fines shall not be imposed, nor cruel and unusual punishment inflicted.

(20) No person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act.

(21) Free access to the courts shall not be denied to any person by reason of poverty.

ARTICLE IV.—CITIZENSHIP

SECTION 1. The following are citizens of the Philippines:

(1) Those who are citizens of the Philippine Islands at the time of the adoption of this Constitution.

(2) Those born in the Philippine Islands of foreign parents who, before the adoption of this Constitution, had been elected to public office in the Philippine Islands.

(3) Those whose fathers are citizens of the Philippines.

(4) Those whose mothers are citizens of the Philippines and, upon reaching the age of majority, elect Philippine citizenship.

(5) Those who are naturalized in accordance with law.

SEC. 2. Philippine citizenship may be lost or reacquired in the manner provided by law.

ARTICLE V.—SUFFRAGE

SECTION 1. Suffrage may be exercised by male citizens of the Philippines not otherwise disqualified by law, who are twenty-one years of age or over and are able to read and write, and who shall have resided in the Philippines for one year and in the municipality wherein they propose to vote for at least six months preceding the election. The National Assembly shall extend the right of suffrage to women, if in a plebiscite which shall be held for that purpose within two years after the adoption of this Constitution, not less than three hundred thousand women possessing the necessary qualifications shall vote affirmatively on the question.

ARTICLE VI.—LEGISLATIVE DEPARTMENT

SECTION 1. The Legislative power shall be vested in a National Assembly. The Members of the National Assembly shall not exceed one hundred and twenty, shall be chosen every three years, and shall be apportioned among the several provinces as nearly as may be according to the number of their respective inhabitants, but each province shall have at least one Member. The National Assembly shall by law make an apportionment within three years after the return of every enumeration, and not otherwise. Until such apportionment shall have been made, the National Assembly shall consist of ninety-eight Members, of whom eighty-seven shall be elected by the representative districts as now provided by law; and three by the Mountain Province, and one by each of the other eight existing special provinces. The Members of the National Assembly in the provinces of Sulu, Lanao, and Cotabato shall be chosen as may be determined by law; in all other provinces they shall be elected by the qualified voters therein.

SEC. 2. No person shall be a Member of the National Assembly unless he has been five years a citizen of the Philippines, is at least thirty years of age, and, at the time of his election, a qualified elector, and a resident of the province in which he is chosen for not less than one year immediately prior to his election.

SEC. 3. (1) In case of vacancy in the National Assembly a special election may be called in the corresponding district, in the manner prescribed by law, but the Member thus elected shall serve only for the unexpired term.

(2) Elections for the National Assembly shall be held on the dates fixed by law.

(3) The National Assembly shall convene in regular session once every year, on the second Monday of the month immediately following that on which the election of its Members was held, unless a different date is fixed by law. The National Assembly may be called in special session at any time by the President to consider general legislation or only such subjects as he may designate. No special session shall continue longer than thirty days and no regular session longer than one hundred days, exclusive of Sundays.

(4) The National Assembly shall choose its Speaker, a secretary, a sergeant-at-arms, and such other officers as may be required. A majority of all the Members shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent Members, in such manner and under such penalties as the National Assembly may provide.

(5) The National Assembly may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member. It shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may in its judgment require secrecy; and the *yeas* and *nays* on any question shall, at the request of one-fifth of its Members present, be entered in the Journal.

SEC. 4. There shall be an Electoral Commission composed of three Justices of the Supreme Court designated by the Chief Justice, and of six Members chosen by the National Assembly, three of whom shall be nominated by the party having the largest number of votes, and three by the party having the second largest number of votes therein. The senior Justice in the Commission shall be its Chairman. The Electoral Commission shall be the sole judge of all contests relating to the election, returns, and qualifications of the Members of the National Assembly.

SEC. 5. The Members of the National Assembly shall, unless otherwise provided by law, receive an annual compensation of five thousand pesos each including per diems and other emoluments or allowances and exclusive only of travelling expenses to and from their respective districts when attending sessions of the National Assembly. No increase in said compensation shall take effect until after the expiration of the full term of the Members of the National Assembly elected subsequent to the approval of such increase. The Speaker of the National Assembly shall receive an annual compensation of sixteen thousand pesos until otherwise provided by law.

SEC. 6. The Members of the National Assembly shall in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sessions of the National Assembly, and in going to and returning from the same; and for any speech or debate therein, they shall not be questioned in any other place.

SEC. 7. The National Assembly shall elect from among its Members, on the basis of proportional representation of the political parties therein, a Commission on Appointments and a Commission on Impeachment, each to consist of twenty-one members. These Commissions shall be constituted within thirty days after the National Assembly shall have been organized with the election of its Speaker, and shall meet only while the National Assembly is in session, at the call of their respective Chairmen or a majority

of their members, to discharge such powers and functions as are herein conferred upon them.

SEC. 8. (1) No Member of the National Assembly may hold any other office or employment in the Government without forfeiting his seat, nor shall any such Member during the time for which he was elected, be appointed to any civil office which may have been created or the emoluments whereof shall have been increased while he was a Member of the National Assembly.

(2) No Member of the National Assembly shall directly or indirectly be financially interested in any contract with the Government or any subdivision or instrumentality thereof, or in any franchise or special privilege granted by the National Assembly during his term of office; nor shall any such Member appear as counsel before the Electoral Commission or any court in any civil case wherein the Government or any subdivision or instrumentality thereof is the adverse party, or collect any fee for his appearance in any administrative proceedings or in any criminal case wherein an officer or employee of the Government is accused of an offense committed in relation to his office. No Member of the Commission on Appointments of the National Assembly shall appear as counsel before any court inferior to the Supreme Court.

SEC. 9. (1) The President shall submit within fifteen days of the opening of each regular session of the National Assembly a budget of receipts and expenditures, which shall be the basis of the general appropriation bill. The National Assembly may not increase the appropriations recommended by the President for the operation of the Government as specified in the Budget, except the appropriations for the National Assembly and the Judicial Department. The form of the Budget and the information that it should contain shall be prescribed by law.

(2) No provision or enactment shall be embraced in the general appropriation, unless it relates specifically to some particular appropriation in the bill; and any such provision or enactment shall be limited in its operation to such appropriation.

SEC. 10. The heads of departments upon their own initiative or upon the request the National Assembly may appear before and be heard by the National Assembly or any matter pertaining to their departments, unless the public interest shall require otherwise and the President shall so state in writing.

SEC. 11. (1) Every bill which shall have passed the National Assembly shall, before it becomes a law, be presented to the President. If he approve the same, he shall sign it; but if not, he shall return it with his objections to the National Assembly, which shall enter the objections at large on its Journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the Members of the National Assembly shall agree to pass the bill, it shall become a law. In all such cases the votes of the National Assembly shall be determined by yeas and nays, and the names of the Members voting for and against shall be entered on the Journal. If any bill shall not be returned by the President as herein provided within twenty days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the National Assembly by adjournment prevent its return, in which case

it shall become a law unless vetoed by the President within thirty days after adjournment.

(2) The President shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. When a provision of an appropriation bill affects one or more items of the same, the President cannot veto the provision without at the same time vetoing the particular item or items to which it relates. The item or items objected to shall not take effect except in the manner heretofore provided as to bills returned to the National Assembly without the approval of the President. If the veto refers to a bill or any item of an appropriation bill which appropriates a sum in excess of ten *per centum* of the total amount voted in the appropriation bill for the general expenses of the Government for the preceding year, or if it should refer to a bill authorizing an increase of the public debt, the same shall not become a law unless approved by three-fourths of all the Members of the National Assembly.

(3) The President shall have the power to veto any separate item or items in a revenue or tariff bill, and the item or items vetoed shall not take effect except in the manner provided as to bill vetoed by the President.

SEC. 12. (1) No bill which may be enacted into law shall embrace more than one subject which shall be expressed in the title of the bill.

(2) No bill shall be passed or become a law unless it shall have been printed and copies thereof in its final form furnished the Members at least three calendar days prior to its passage by the National Assembly, except when the President shall have certified to the necessity of its immediate enactment. Upon the last reading of a bill no amendment thereof shall be allowed, and the question upon its final passage shall be taken immediately thereafter, and the *yeas* and *nays* entered on the Journal.

SEC. 13. (1) All money collected on any tax levied for a special purpose shall be treated as a special fund and paid out for such purpose only. If the purpose for which a special fund was created has been fulfilled or abandoned, the balance, if any, shall be transferred to the general funds of the Government.

(2) No money shall be paid out of the Treasury except in pursuance of an appropriation made by law.

(3) No public money or property shall ever be appropriated, applied, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such, except when such priest, preacher, minister, or dignitary is assigned to the armed forces or to any penal institution, orphanage, or leprosarium.

SEC. 14. (1) The rule of taxation shall be uniform.

(2) The National Assembly may by law authorize the President, subject to such limitations and restrictions as it may impose, to fix within specified limits, tariff rates, import or export quotas, and tonnage and wharfage dues.

(3) Cemeteries, churches, and parsonages or convents appurtenant thereto, and all lands, buildings, and improvements used exclusively for religious, charitable, or educational purposes shall be exempt from taxation.

SEC. 15. The National Assembly shall, with the concurrence of two-thirds of all its Members, have the sole power to declare war.

SEC. 16. In times of war or other national emergency, the National Assembly may by law authorize the President, for a limited period and subject to such restrictions as it may prescribe, to promulgate rules and regulations to carry out a declared national policy.

ARTICLE VII.—EXECUTIVE DEPARTMENT

SECTION 1. The Executive power shall be vested in a President of the Philippines.

SEC. 2. The President shall hold his office during a term of six years, and together with the Vice-President chosen for the same term, shall be elected by direct vote of the people. The election returns for President and Vice-President, duly certified by the board of canvassers of each province, shall be transmitted to the National Assembly. Upon receipt of such returns the National Assembly shall forthwith, in public session, count the votes, and proclaim the persons elected President and Vice-President. The persons respectively having the highest number of votes for President and Vice-President shall be declared elected, but in case two or more shall have an equal and the highest number of votes for either office, the National Assembly shall, by a majority vote of all its Members, elect one of said persons as President or Vice-President.

SEC. 3. No person may be elected to the office of President or Vice-President, unless he be a natural-born citizen of the Philippines, a qualified voter, forty years of age or over, and has been a resident of the Philippines for at least ten years immediately preceding the election.

SEC. 4. No person elected President may be reëlected for the following term, nor shall the Vice-President or any other person who may have succeeded to the office of President as herein provided at least one year before the election, be eligible to the office of President at such election.

SEC. 5. Elections for President and Vice-President shall be held once every six years on a date to be fixed by the National Assembly.

SEC. 6. The terms of the President and Vice-President shall end at noon on the thirtieth day of December following the expiration of six years after the election, and the terms of their successors shall begin from such time.

SEC. 7. If, at the time fixed for the beginning of the term of the President, the President-elect shall have died, the Vice-President-elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President-elect shall have failed to qualify, then the Vice-President shall act as President until a President shall have qualified, and the National Assembly may by law provide for the case wherein neither a President-elect nor a Vice-President-elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice-President shall have qualified.

SEC. 8. Before he enter on the execution of his office, the President shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully and conscientiously fulfill my duties as President of the Philippines, preserve and defend its Constitution, execute its laws, do justice to every man, and consecrate myself to the service of the Nation. So help me God." (In case of affirmation, last sentence will be omitted.)

Sec. 9. In the event of the removal of the President from office or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the National Assembly shall by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

Sec. 10. The President shall have an official residence and receive a compensation to be ascertained by law which shall be neither increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the Government or any of its subdivisions or instrumentalities. Until the National Assembly shall provide otherwise, the President shall receive an annual salary of thirty thousand pesos. The Vice-President, when not acting as President, shall receive an annual compensation of fifteen thousand pesos until otherwise provided by law.

Sec. 11. (1) The President shall have control of all the executive departments, bureaus, or offices, exercise general supervision over all local governments as may be provided by law, and take care that the laws be faithfully executed.

(2) The President shall be commander-in-chief of all armed forces of the Philippines and, whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion, insurrection, or rebellion. In case of invasion, insurrection, or rebellion, or imminent danger thereof, when the public safety requires it, he may suspend the privileges of the writ of *habeas corpus*, or place the Philippines or any part thereof under martial law.

(3) The President shall nominate and with the consent of the Commission on Appointments of the National Assembly, shall appoint the heads of the executive departments and bureaus, officers of the Army from the rank of colonel, of the Navy and air forces from the rank of captain or commander, and all other officers of the Government whose appointments are not herein otherwise provided for, and those whom he may be authorized by law to appoint; but the National Assembly may by law vest the appointment of inferior officers, in the President alone, in the courts, or in the heads of departments.

(4) The President shall have the power to make appointments during the recess of the National Assembly, but such appointments shall be effective only until disapproval by the Commission on Appointments or until the next adjournment of the National Assembly.

(5) The President shall from time to time give to the National Assembly information of the state of the Nation, and recommend to its consideration such measures as he shall judge necessary and expedient.

(6) The President shall have the power to grant reprieves, commutations, and pardons, and remit fines and forfeitures, after conviction, for all offenses, except in cases of impeachment, upon such conditions and with such restrictions and limitations as he may deem proper to impose. He shall have the power to grant amnesty with the concurrence of the National Assembly.

(7) The President shall have the power, with the concurrence of a majority of all the Members of the National Assembly, to make treaties, and with the consent of the Commission on Appointments, he shall appoint

ambassadors, other public ministers, and consuls. He shall receive ambassadors and other ministers duly accredited to the Government of the Philippines.

SEC. 12. (1) The executive departments of the present Government of the Philippine Islands shall continue as now authorized by law until the National Assembly shall provide otherwise.

(2) The heads of the departments and chiefs of bureaus or offices and their assistants shall not, during their continuance in office, engage in the practice of any profession, or intervene, directly or indirectly, in the management or control of any private enterprise which in any way may be affected by the functions of their office; nor shall they, directly or indirectly, be financially interested in any contract with the Government, or any subdivision or instrumentality thereof.

(3) The President may appoint the Vice-President as a member of his cabinet and also as head of an executive department.

ARTICLE VIII.—JUDICIAL DEPARTMENT

SECTION 1. The Judicial power shall be vested in one Supreme Court and in such inferior courts as may be established by law.

SEC. 2. The National Assembly shall have the power to define, prescribe, and apportion the jurisdiction of the various courts, but may not deprive the Supreme Court of its original jurisdiction over cases affecting ambassadors, other public ministers, and consuls, nor of its jurisdiction to review, revise, reverse, modify, or affirm on appeal, certiorari, or writ of error, as the law or the rules of court may provide, final judgments and decrees of inferior courts in—

(1) All cases in which the constitutionality or validity of any treaty, law, ordinance, or executive order or regulation is in question.

(2) All cases involving the legality of any tax, impost, assessment, or toll, or any penalty imposed in relation thereto.

(3) All cases in which the jurisdiction of any trial court is in issue.

(4) All criminal cases in which the penalty imposed is death or life imprisonment.

(5) All cases in which an error or question of law is involved.

SEC. 3. Until the National Assembly shall provide otherwise, the Supreme Court shall have such original and appellate jurisdiction as may be possessed and exercised by the Supreme Court of the Philippine Islands at the time of the adoption of this Constitution. The original jurisdiction of the Supreme Court shall include all cases affecting ambassadors, other public ministers, and consuls.

SEC. 4. The Supreme Court shall be composed of a Chief Justice and ten Associate Justices and may sit either *in banc* or in two divisions unless otherwise provided by law.

SEC. 5. The members of the Supreme Court and all judges of inferior courts shall be appointed by the President with the consent of the Commission on Appointments of the National Assembly.

SEC. 6. No person may be appointed member of the Supreme Court unless he has been five years a citizen of the Philippines, is at least forty years of age, and has for ten years or more been a judge of a court of record or engaged in the practice of law in the Philippines.

SEC. 7. No judge appointed for a particular district shall be designated or transferred to another district without the approval of the Supreme Court. The National Assembly shall by law determine the residence of judges of inferior courts.

SEC. 8. The National Assembly shall prescribe the qualifications of judges of inferior courts, but no person may be appointed judge of any such courts unless he is a citizen of the Philippines and has been admitted to the practice of law in the Philippines.

SEC. 9. The members of the Supreme Court and all judges of inferior courts shall hold office during good behavior, until they reach the age of seventy years, or become incapacitated to discharge the duties of their office. They shall receive such compensation as may be fixed by law, which shall not be diminished during their continuance in office. Until the National Assembly shall provide otherwise, the Chief Justice of the Supreme Court shall receive an annual compensation of sixteen thousand pesos, and each Associate Justice, fifteen thousand pesos.

SEC. 10. All cases involving the constitutionality of a treaty or law shall be heard and decided by the Supreme Court *in banc*, and no treaty or law may be declared unconstitutional without the concurrence of two-thirds of all the members of the Court.

SEC. 11. The conclusions of the Supreme Court in any case submitted to it for decision shall be reached in consultation before the case is assigned to a Justice for the writing of the opinion of the Court. Any Justice dissenting from a decision shall state the reasons for his dissent.

SEC. 12. No decision shall be rendered by any court of record without expressing therein clearly and distinctly the facts and the law on which it is based.

SEC. 13. The Supreme Court shall have the power to promulgate rules concerning pleading, practice, and procedure in all courts, and the admission to the practice of law. Said rules shall be uniform for all courts of the same grade and shall not diminish, increase, or modify substantive rights. The existing laws on pleading, practice, and procedure are hereby repealed as statutes, and are declared Rules of Courts, subject to the power of the Supreme Court to alter and modify the same. The National Assembly shall have the power to repeal, alter, or supplement the rules concerning pleading, practice, and procedure, and the admission to the practice of law in the Philippines.

ARTICLE IX.—IMPEACHMENT

SECTION 1. The President, the Vice-President, the Justices of the Supreme Court, and the Auditor General, shall be removed from office on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, or other high crimes.

SEC. 2. The Commission on Impeachment of the National Assembly, by a vote of two-thirds of its Members, shall have the sole power of impeachment.

SEC. 3. The National Assembly shall have the sole power to try all impeachments. When sitting for that purpose the Members shall be on oath or affirmation. When the President of the Philippines is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted

without the concurrence of three-fourths of all the Members who do not belong to the Commission on Impeachment.

SEC. 4. Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the Government of the Philippines, but the party convicted shall nevertheless be liable and subject to prosecution, trial, and punishment according to law.

ARTICLE X.—GENERAL AUDITING OFFICE

SECTION 1. There shall be a General Auditing Office under the direction and control of an Auditor General, who shall hold office for a term of ten years and may not be reappointed. The Auditor General shall be appointed by the President with the consent of the Commission on Appointments, and shall receive an annual compensation to be fixed by law which shall not be diminished during his continuance in office. Until the National Assembly shall provide otherwise, the Auditor General shall receive an annual compensation of twelve thousand pesos.

SEC. 2. The Auditor General shall examine, audit, and settle all accounts pertaining to the revenues and receipts from whatever source, including trust funds derived from bond issues; and audit, in accordance with law and administrative regulations, all expenditures of funds or property pertaining to or held in trust by the Government or the provinces or municipalities thereof. He shall keep the general accounts of the Government and preserve the vouchers pertaining thereto. It shall be the duty of the Auditor General to bring to the attention of the proper administrative officer expenditures of funds or property which, in his opinion, are irregular, unnecessary, excessive; or extravagant. He shall also perform such other functions as may be prescribed by law.

SEC. 3. The decisions of the Auditor General shall be rendered within the time fixed by law, and the same may be appealed to the President whose action shall be final. When the aggrieved party is a private person or entity, an appeal from the decision of the Auditor General may be taken directly to a court of record in the manner provided by law.

SEC. 4. The Auditor General shall submit to the President and the National Assembly an annual report covering the financial condition and operations of the Government, and such other reports as may be required.

ARTICLE XI.—CIVIL SERVICE

SECTION 1. A Civil Service embracing all branches and subdivisions of the Government shall be provided by law. Appointments in the Civil Service, except as to those which are policy-determining, primarily confidential or highly technical in nature, shall be made only according to merit and fitness, to be determined as far as practicable by competitive examination.

SEC. 2. Officers and employees in the Civil Service, including members of the armed forces, shall not engage directly or indirectly in partisan political activities or take part in any election except to vote.

SEC. 3. No officer or employee of the Government shall receive additional or double compensation unless specifically authorized by law.

SEC. 4. No officer or employee in the Civil Service shall be removed or suspended except for cause as provided by law.

ARTICLE XII.—CONSERVATION AND UTILIZATION OF NATURAL RESOURCES

SECTION 1. All agricultural, timber, and mineral lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, and other natural resources of the Philippines belong to the State, and their disposition, exploitation, development, or utilization shall be limited to citizens of the Philippines, or to corporations or associations at least sixty *per centum* of the capital of which is owned by such citizens, subject to any existing right, grant, lease, or concession at the time of the inauguration of the Government established under this Constitution. Natural resources, with the exception of public agricultural land, shall not be alienated, and no license, concession, or lease for the exploitation, development, or utilization of any of the natural resources shall be granted for a period exceeding twenty-five years, renewable for another twenty-five years, except as to water rights for irrigation, water supply, fisheries, or industrial uses other than the development of water power, in which cases beneficial use may be the measure and the limit of the grant.

SEC. 2. No private corporation or association may acquire, lease, or hold public agricultural lands in excess of one thousand and twenty-four hectares, nor may any individual acquire such lands by purchase in excess of one hundred and forty-four hectares, or by lease in excess of one thousand and twenty-four hectares, or by homestead in excess of twenty-four hectares. Lands adapted to grazing, not exceeding two thousand hectares, may be leased to an individual, private corporation, or association.

SEC. 3. The National Assembly may determine by law the size of private agricultural land which individuals, corporations, or associations may acquire and hold, subject to rights existing prior to the enactment of such law.

SEC. 4. The National Assembly may authorize, upon payment of just compensation, the expropriation of lands to be subdivided into small lots and conveyed at cost to individuals.

SEC. 5. Save in cases of hereditary succession, no private agricultural land shall be transferred or assigned except to individuals, corporations, or associations qualified to acquire or hold lands of the public domain in the Philippines.

SEC. 6. The State may, in the interest of national welfare and defense, establish and operate industries and means of transportation and communication, and, upon payment of just compensation transfer to public ownership utilities and other private enterprises to be operated by the Government.

ARTICLE XIII.—GENERAL PROVISIONS

SECTION 1. The flag of the Philippines shall be red, white, and blue, with a sun and three stars, as consecrated and honored by the people and recognized by law.

SEC. 2. All public officers and members of the armed forces shall take an oath to support and defend the Constitution.

SEC. 3. The National Assembly shall take steps toward the development and adoption of a common national language based on one of the existing native languages. Until otherwise provided by law, English and Spanish shall continue as official languages.

SEC. 4. The State shall promote scientific research and invention. Arts and letters shall be under its patronage. The exclusive right to writings and inventions shall be secured to authors and inventors for a limited period.

SEC. 5. All educational institutions shall be under the supervision of and subject to regulation by the State. The Government shall establish and maintain a complete and adequate system of public education, and shall provide at least free public primary instruction, and citizenship training to adult citizens. All schools shall aim to develop moral character, personal discipline, civic conscience, and vocational efficiency, and to teach the duties of citizenship. Optional religious instruction shall be maintained in the public schools as now authorized by law. Universities established by the State shall enjoy academic freedom. The State shall create scholarships in arts, science, and letters for specially gifted citizens.

SEC. 6. The State shall afford protection to labor, especially to working women and minors, and shall regulate the relations between landowner and tenant, and between labor and capital in industry and in agriculture. The State may provide for compulsory arbitration.

SEC. 7. The National Assembly shall not, except by general law, provide for the formation, organization, or regulation of private corporations, unless such corporations are owned or controlled by the Government or any subdivision or instrumentality thereof.

SEC. 8. No franchise, certificate, or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or other entities organized under the laws of the Philippines, sixty *per centum* of the capital of which is owned by citizens of the Philippines, nor shall such franchise, certificate, or authorization be exclusive in character or for a longer period than fifty years. No franchise or right shall be granted to any individual, firm, or corporation, except under the condition that it shall be subject to amendment, alteration, or repeal by the National Assembly when the public interest so requires.

SEC. 9. The Government shall organize and maintain a national police force to preserve public order and enforce the law.

SEC. 10. This Constitution shall be officially promulgated in English and Spanish, but in case of conflict the English text shall prevail.

ARTICLE XIV.—AMENDMENTS

SECTION 1. The National Assembly, by a vote of three-fourths of all its Members, may propose amendments to this Constitution or call a convention for that purpose. Such amendments shall be valid as part of this Constitution when approved by a majority of the votes cast at an election at which the amendments are submitted to the people for their ratification.

ARTICLE XV.—TRANSITORY PROVISIONS

SECTION 1. The first election of the officers provided in this Constitution and the inauguration of the Government of the Commonwealth of the Philippines shall take place as provided in Public Act Numbered One hundred and twenty-seven of the Congress of the United States, approved March twenty-four, nineteen hundred and thirty-four.

SEC. 2. All laws of the Philippine Islands shall continue in force until the inauguration of the Commonwealth of the Philippines; thereafter, such laws shall remain operative, unless inconsistent with this Constitution, until amended, altered, modified, or repealed by the National Assembly, and all references in such laws to the Government or officials of the Philippine

Islands shall be construed, in so far as applicable, to refer to the Government and corresponding officials under this Constitution.

SEC. 3. All courts existing at the time of the adoption of this Constitution shall continue and exercise their jurisdiction, until otherwise provided by law in accordance with this Constitution, and all cases, civil and criminal, pending in said courts, shall be heard, tried, and determined under the laws then in force.

SEC. 4. All officers and employees in the existing Government of the Philippine Islands shall continue in office until the National Assembly shall provide otherwise, but all officers whose appointments are by this Constitution vested in the President shall vacate their respective offices upon the appointment and qualification of their successors, if such appointment is made within a period of one year from the date of the inauguration of the Commonwealth of the Philippines.

SEC. 5. The Members of the National Assembly for the Mountain Province shall be elected as may be provided by law. The voters of municipalities and municipal districts formerly belonging to a special province and now forming part of regular provinces shall vote in the election for Members of the National Assembly in such districts as may be provided by law.

SEC. 6. The provisions of this Constitution, except those contained in this article and in Article V, and those which refer to the election and qualifications of officers to be elected under this Constitution, shall not take effect until the inauguration of the Commonwealth of the Philippines.

ARTICLE XVI.—SPECIAL PROVISIONS EFFECTIVE UPON THE PROCLAMATION OF THE INDEPENDENCE OF THE PHILIPPINES

SECTION 1. Upon the proclamation of the President of the United States recognizing the independence of the Philippines—

(1) The property rights of the United States and the Philippines shall be promptly adjusted and settled, and all existing property rights of citizens or corporations of the United States shall be acknowledged, respected, and safeguarded to the same extent as property rights of citizens of the Philippines.

(2) The officials elected and serving under this Constitution shall be constitutional officers of the free and independent government of the Philippines and qualified to function in all respects as if elected directly under such Government, and shall serve their full terms of office as prescribed in this Constitution.

(3) The debts and liabilities of the Philippines, its provinces, cities, municipalities, and instrumentalities, which shall be valid and subsisting at the time of the final and complete withdrawal of the sovereignty of the United States, shall be assumed by the free and independent government of the Philippines; and where bonds have been issued under authority of an Act of Congress of the United States by the Philippine Islands, or any province, city, or municipality therein, the Government of the Philippines will make adequate provision for the necessary funds for the payment of interest and principal, and such obligations shall be a first lien on all taxes collected.

(4) The Government of the Philippines will assume all continuing obligations of the United States under the Treaty of Peace with Spain ceding the Philippine Islands to the United States.

(5) The Government of the Philippines will embody the foregoing provisions of this article (except subsection (2)) in a treaty with the United States.

ARTICLE XVII.—THE COMMONWEALTH AND THE REPUBLIC

SECTION 1. The government established by this Constitution shall be known as the Commonwealth of the Philippines. Upon the final and complete withdrawal of the sovereignty of the United States and the proclamation of Philippine independence, the Commonwealth of the Philippines shall thenceforth be known as the Republic of the Philippines.

ORDINANCE APPENDED TO THE CONSTITUTION

SECTION 1. Notwithstanding the provisions of the foregoing Constitution, pending the final and complete withdrawal of the sovereignty of the United States over the Philippines—

(1) All citizens of the Philippines shall owe allegiance to the United States.

(2) Every officer of the Government of the Commonwealth of the Philippines shall, before entering upon the discharge of his duties, take and subscribe an oath of office, declaring, among other things, that he recognizes and accepts the supreme authority of and will maintain true faith and allegiance to the United States.

(3) Absolute toleration of religious sentiment shall be secured and no inhabitant or religious organization shall be molested in person or property on account of religious belief or mode of worship.

(4) Property owned by the United States, cemeteries, churches, and parsonages or convents appurtenant thereto, and all lands, buildings, and improvements used exclusively for religious, charitable, or educational purposes shall be exempt from taxation.

(5) Trade relations between the Philippines and the United States shall be upon the basis prescribed in section six of Public Act Numbered One hundred and twenty-seven of the Congress of the United States approved March twenty-four, nineteen hundred and thirty-four.

(6) The public debt of the Philippines and its subordinate branches shall not exceed limits now or hereafter fixed by the Congress of the United States, and no loans shall be contracted in foreign countries without the approval of the President of the United States.

(7) The debts, liabilities, and obligations of the present Government of the Philippine Islands, its provinces, municipalities, and instrumentalities, valid and subsisting at the time of the adoption of the Constitution, shall be assumed and paid by the Government of the Commonwealth of the Philippines.

(8) The Government of the Commonwealth of the Philippines shall establish and maintain an adequate system of public schools, primarily conducted in the English language.

(9) Acts affecting currency, coinage, imports, exports, and immigration shall not become law until approved by the President of the United States.

(10) Foreign affairs shall be under the direct supervision and control of the United States.

(11) All acts passed by the National Assembly of the Commonwealth of the Philippines shall be reported to the Congress of the United States.

(12) The Philippines recognizes the right of the United States to expropriate property for public uses, to maintain military and other reservations and armed forces in the Philippines, and, upon order of the President of the United States, to call into the service of such armed forces all military forces organized by the Government of the Commonwealth of the Philippines.

(13) The decisions of the courts of the Philippines shall be subject to review by the Supreme Court of the United States as now provided by law, and such review shall also extend to all cases involving the Constitution of the Philippines.

(14) Appeals from decisions of the Auditor General may be taken to the President of the United States.

(15) The United States may, by Presidential proclamation, exercise the right to intervene for the preservation of the Government of the Commonwealth of the Philippines and for the maintenance of the Government as provided in the Constitution thereof, and for the protection of life, property, and individual liberty and for the discharge of Government obligations under and in accordance with the provisions of the Constitution.

(16) The authority of the United States High Commissioner to the Government of the Commonwealth of the Philippines as provided in Public Act Numbered One hundred and twenty-seven of the Congress of the United States approved March twenty-four, nineteen hundred and thirty-four, is hereby recognized.

(17) Citizens and corporations of the United States shall enjoy in the Commonwealth of the Philippines all the civil rights of the citizens and corporations, respectively, thereof.

(18) Every duly adopted amendment to the Constitution of the Philippines shall be submitted to the President of the United States for approval. If the President approve the amendment or if the President fail to disapprove such amendment within six months from the time of its submission, the amendment shall take effect as a part of such Constitution.

(19) The President of the United States shall have authority to suspend the taking effect of or the operation of any law, contract, or executive order of the Government of the Commonwealth of the Philippines, which in his judgment will result in a failure of the Government of the Commonwealth of the Philippines to fulfill its contracts, or to meet its bonded indebtedness and interest thereon or to provide for its sinking funds; or which seems likely to impair the reserves for the protection of the currency of the Philippines, or which in his judgment will violate international obligations of the United States.

(20) The President of the Commonwealth of the Philippines shall make an annual report to the President and Congress of the United States of the proceedings and operations of the Government of the Commonwealth of the

Philippines and shall make such other reports as the President or Congress may request.

SEC. 2. Pending the final and complete withdrawal of the sovereignty of the United States over the Philippines, there shall be a Resident Commissioner of the Philippines to the United States who shall be appointed by the President of the Commonwealth of the Philippines with the consent of the Commission on Appointments. The powers and duties of the Resident Commissioner shall be as provided in section seven, paragraph five of Public Act Numbered One hundred and twenty-seven of the Congress of the United States, approved March twenty-four nineteen hundred and thirty-four, together with such other duties as the National Assembly may determine. The qualifications, compensation, and expenses of the Resident Commissioner shall be fixed by law.

SEC. 3. All other provisions of Public Act Numbered One hundred and twenty-seven of the Congress of the United States, approved March twenty-four, nineteen hundred and thirty-four, applicable to the Government of the Commonwealth of the Philippines are hereby made a part of this Ordinance as if such provisions were expressly inserted herein.

A

AMENDMENTS TO THE ORDINANCE APPENDED TO THE CONSTITUTION OF THE PHILIPPINES RATIFIED ON 24 OCTOBER 1939, AND APPROVED BY THE PRESIDENT OF THE UNITED STATES 10 NOVEMBER 1939:

Subsection (5) of section I of the Ordinance appended to the Constitution of the Philippines is amended to read as follows:

(5) Trade relations between the Philippines and the United States shall be upon the basis prescribed in section six of Public Act Numbered One hundred and twenty-seven of the Congress of the United States approved March twenty-four, nineteen hundred and thirty-four, as amended by the Act of Congress of the United States, approved August seven, nineteen hundred and thirty-nine.

Section 3 of the Ordinance appended to the Constitution of the Philippines is amended to read as follows:

SECTION 3. All other provisions of Public Act Numbered One hundred and twenty-seven, of the Congress of the United States, approved March twenty-four, nineteen hundred and thirty-four, as amended by the Act of Congress of the United States, approved August seven, nineteen hundred and thirty-nine, applicable to the Government of the Commonwealth of the Philippines, are hereby made a part of this Ordinance as if such provisions were expressly inserted herein. 1/

B

AMENDMENTS TO THE CONSTITUTION OF THE PHILIPPINES RATIFIED 18 JUNE 1940, AND APPROVED BY THE PRESIDENT OF THE UNITED STATES 2 DECEMBER 1940: 2/

Resolved by the National Assembly of the Philippines, by a vote of not less than three-fourths of all its Members, to propose, as it does hereby propose:

ARTICLE I

SECTION 1. To amend Article VI of the Constitution of the Philippines by providing for the establishment of a bicameral legislature in lieu of the legislative body therein provided, so that the said Article VI shall read as follows:

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- 1/ Official Gazette, XXXVII (October 5, 1939), 2435.
Resolution No. 53, Second National Assembly, Third Special Session, November 3, 1939, certifies the adoption of these amendments. Public Act No. 300, 76th Congress, Chapter 502, 1st Session (H.R.7096) is appended to the statement of the amendment as published in the number of the Official Gazette referred to above, but is not included here because of its length.
- 2/ Amendment as proposed by Resolution No. 73, Second National Assembly, April 11, 1940, and certified as ratified on June 18, 1940, by Resolution No. 88, Second National Assembly. Fourth Special Session, July 12, 1940.

ARTICLE VI. LEGISLATIVE DEPARTMENT

SECTION 1. The Legislative power shall be vested in a Congress of the Philippines, which shall consist of a Senate and a House of Representatives.

SECTION 2. The Senate shall be composed of twenty-four Senators who shall be chosen at large by the qualified electors of the Philippines, as may be provided by law.

SECTION 3. The term of office of Senators shall be six years and shall begin on the thirtieth day of December next following their election. The first Senators elected under this Constitution shall, in the manner provided by law, be divided equally into three groups, the Senators of the first group to serve for a term of six years; those of the second group, for four years; and those of the third group, for two years.

SECTION 4. No person shall be a Senator unless he be a natural-born citizen of the Philippines and, at the time of his election, is at least thirty-five years of age, a qualified elector, and a resident of the Philippines for not less than two years immediately prior to his election.

SECTION 5. The House of Representatives shall be composed of not more than one hundred and twenty Members who shall be apportioned among the several provinces as nearly as may be according to the number of their respective inhabitants, but each province shall have at least one Member. The Congress shall by law make an apportionment within three years after the return of every enumeration, and not otherwise. Until such apportionment shall have been made, the House of Representatives shall have the same number of Members as that fixed by law for the National Assembly, who shall be elected by the qualified electors from the present Assembly districts. Each representative district shall comprise, as far as practicable, contiguous and compact territory.

SECTION 6. The term of office of the Members of the House of Representatives shall be four years and shall begin on the thirtieth day of December next following their election.

SECTION 7. No person shall be a Member of the House of Representatives unless he be a natural-born citizen of the Philippines and, at the time of his election, is at least twenty-five years of age, a qualified elector, and a resident of the province in which he is chosen for not less than one year immediately prior to his election.

SECTION 8. (1) Elections for Senators and Members of the House of Representatives shall be held in the manner and on the dates fixed by law.

(2) In case of vacancy in the Senate or in the House of Representatives, a special election may be called to fill such vacancy in the manner prescribed by law, but the Senator or Member of the House of

Representatives thus elected shall serve only for the unexpired term.

SECTION 9. The Congress shall convene in regular session once every year on the fourth Monday of January, unless a different date is fixed by law. It may be called in special session at any time by the President to consider general legislation or only such subjects as he may designate. No special session shall continue longer than thirty days and no regular session longer than one hundred days, exclusive of Sundays.

SECTION 10. (1) The Senate shall elect its President and the House of Representatives its Speaker.

Each House shall choose such other officers as may be required.

(2) A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent Members in such manner and under such penalties as such house may provide.

(3) Each House may determine the rules of its proceedings, punish its Members for disorderly behaviour, and with the concurrence of two-thirds of all its Members, expel a Member.

(4) Each House shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may in its judgment require secrecy; and the yeas and nays on any question shall, at the request of one-fifth of the Members present, be entered in the Journal.

(5) Neither House during the sessions of the Congress shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION 11. The Senate and the House of Representatives shall each have an Electoral Tribunal which shall be the sole judge of all contests relating to the election, returns, and qualifications of their respective Members. Each Electoral Tribunal shall be composed of nine Members, three of whom shall be Justices of the Supreme Court to be designated by the Chief Justice, and the remaining six shall be Members of the Senate or of the House of Representatives, as the case may be, who shall be chosen by each House, three upon nomination of the party having the largest number of votes and three of the party having the second largest number of votes therein. The senior Justice in each Electoral Tribunal shall be its Chairman.

SECTION 12. There shall be a Commission on Appointments consisting of twelve Senators and twelve Members of the House of Representatives, elected by each House, respectively, on the basis of proportional representation of the political parties therein. The President of the Senate shall be the Chairman ex-officio of the Commission, but shall not vote, except in case of tie.

SECTION 13. The Electoral Tribunals and the Commission on Appointments shall be constituted within thirty days after the Senate and the House of Representatives shall have been organized with the election of their President and Speaker, respectively. The Commission on Appointments shall meet only while the Congress is in session, at the call of its Chairman or a majority of its Members, to discharge such powers and functions as are herein conferred upon it.

SECTION 14. The Senators and the Members of the House of Representatives shall, unless otherwise provided by law, receive an annual compensation of seven thousand two hundred pesos each, including per diems and other emoluments or allowances, and exclusive only of traveling expenses to and from their respective districts in the case of Members of the House of Representatives, and to and from their places of residence in the case of Senators, when attending sessions of the Congress. No increase in said compensation shall take effect until after the expiration of the full term of all the Members of the Senate and of the House of Representatives approving such increase. Until otherwise provided by law, the President of the Senate and the Speaker of the House of Representatives shall each receive an annual compensation of sixteen thousand pesos.

SECTION 15. The Senators and Members of the House of Representatives shall in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sessions of the Congress, and in going to and returning from the same; and for any speech or debate therein, they shall not be questioned in any other place.

SECTION 16. No Senator or Member of the House of Representatives may hold any other office or employment in the Government without forfeiting his seat, nor shall any Senator or Member of the House of Representatives, during the time for which he was elected, be appointed to any civil office which may have been created or the emoluments whereof shall have been increased while he was a Member of the Congress.

SECTION 17. No Senator or Member of the House of Representatives shall directly or indirectly be financially interested in any contract with the Government or any subdivision or instrumentality thereof, or in any franchise or special privilege granted by the Congress during his term of office. He shall not appear as counsel before the Electoral Tribunals or before any court in any civil case wherein the Government or any subdivision or instrumentality thereof is the adverse party, or in any criminal case wherein an officer or employee of the Government is accused of an offense committed in relation to his office, or collect any fee for his appearance in any administrative proceedings, or accept employment to intervene in any cause or matter where he may be called upon to act on account of his office. No Member of the Commission on Appointments shall appear as counsel before any court inferior to a collegiate court of appellate jurisdiction.

SECTION 18. All appropriation, revenue or tariff bills, bills authorizing increase of the public debt, bills of local application, and

private bills, shall originate exclusively in the House of Representatives, but the Senate may propose or concur with amendments.

SECTION 19. (1) The President shall submit with fifteen days of the opening of each regular session of the Congress a budget of receipts and expenditures, which shall be the basis of the general appropriation bill. The Congress may not increase the appropriations recommended by the President for the operation of the Government as specified in the Budget, except the appropriations for the Congress and the Judicial Department. The form of the Budget and the information that it should contain shall be prescribed by law.

(2) No provision or enactment shall be embraced in the general appropriation bill unless it relates specifically to some particular appropriation therein; and any such provision or enactment shall be limited in its operation to such appropriation.

SECTION 20. (1) Every bill passed by the Congress shall, before it becomes a law, be presented to the President. If he approves the same, he shall sign it; but if not, he shall return it with his objections to the House where it originated, which shall enter the objections at large on its Journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the Members of such House shall agree to pass the bill, it shall be sent, together with the objections, to the other House which it shall likewise be reconsidered, and if approved by two-thirds of all the Members of that House, it shall become a law. In all such cases, the votes of each House shall be determined by yeas and nays, and the names of the Members voting for and against shall be entered on its Journal. If any bill shall not be returned by the President as herein provided within twenty days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the Congress by adjournment prevent its return, in which case it shall become a law unless vetoed by the President within thirty days after adjournment.

(2) The President shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. When a provision of an appropriation bill affects one or more items of the same, the President cannot veto the provision without at the same time vetoing the particular item or items to which it relates. The item or items objected to shall not take effect except in the manner heretofore provided as to bills returned to the Congress without the approval of the President. If the veto refers to a bill or any item of an appropriation bill which appropriates a sum in excess of ten per centum of the total amount voted in the appropriation bill for the general expenses of the Government for the preceding year, or if it should refer to a bill authorizing an increase of the public debt, the same shall not become a law unless approved by three-fourths of all the Members of each House.

(3) The President shall have the power to veto any separate item or items in a revenue or tariff bill, and the item or items vetoed shall not take effect except in the manner provided as to bills vetoed by the President.

SECTION 21. (1) No bill which may be enacted into law shall embrace more than one subject which shall be expressed in the title of the bill.

(2) No bill shall be passed by either House unless it shall have been printed and copies thereof in its final form furnished its Members at least three calendar days prior to its passage, except when the President shall have certified to the necessity of its immediate enactment. Upon the last reading of a bill no amendment thereof shall be allowed, and the question upon its passage shall be taken immediately thereafter, and the yeas and nays entered on the Journal.

SECTION 22. (1) The rule of taxation shall be uniform.

(2) The Congress may by law authorize the President, subject to such limitations and restrictions as it may impose, to fix, within specified limits, tariff rates, import or export quotas, and tonnage and wharfage dues.

(3) Cemeteries, churches, and parsonages or convents appurtenant thereto, and all lands, buildings, and improvements used exclusively for religious, charitable, or educational purposes shall be exempt from taxation.

SECTION 23. (1) All money collected on any tax levied for a special purpose shall be treated as a special fund and paid out for such purpose only. If the purpose for which a special fund was created has been fulfilled or abandoned, the balance, if any, shall be transferred to the general funds of the Government.

(2) No money shall be paid out of the Treasury except in pursuance of an appropriation made by law.

(3) No public money or property shall ever be appropriated, applied, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such, except when such priest, preacher, minister, or dignitary is assigned to the armed forces or to any penal institution, orphanage, or leprosarium.

SECTION 24. The heads of departments upon their own initiative or upon the request of either House may appear before and be heard by such House on any matter pertaining to their departments, unless the public interest shall require otherwise and the President shall so state in writing.

SECTION 25. The Congress shall, with the concurrence of two-thirds of all the Members of each House, have the sole power to declare war.

SECTION 26. In times of war or other national emergency, the Congress may by law authorize the President, for a limited period and subject to such restrictions as it may prescribe, to promulgate rules and regulations to carry out a declared national policy.

SECTION 2. As a consequence of the amendments proposed in section one hereof, to amend section two of Article VII, except the first sentence thereof, and paragraph (7) of section 11 of the same Article; sections 2 and 3 of Article IX; and Article XIV of the Constitution of the Philippines, so that the same shall read as follows:

ARTICLE VII. EXECUTIVE DEPARTMENT

SECTION 2. ***. The returns of every election for President and Vice-President, duly certified by the board of canvassers of each province or city, shall be transmitted to the seat of the National Government, directed to the President of the Senate, who shall in the presence of the Senate and the House of Representatives, open all the certificates, and the votes shall then be counted. The persons respectively having the highest number of votes for President and Vice-President shall be declared elected; but in case two or more shall have an equal and the highest number of votes for either office, one of them shall be chosen President or Vice-President, as the case may be, by a majority vote of the Members of the Congress in joint session assembled.

SECTION 11 (7) The President shall have the power, with the concurrence of two-thirds of all the Members of the Senate, to make treaties, and with the consent of the Commission on Appointments, he shall appoint ambassadors, other public ministers, and consuls. He shall receive ambassadors and other public ministers duly accredited to the Government of the Philippines.

ARTICLE IX. IMPEACHMENT

SECTION 2. The House of Representatives, by a vote of two-thirds of all its Members, shall have the sole power of impeachment.

SECTION 3. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, the Senators shall be on oath or affirmation. When the President of the Philippines is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of three-fourths of all the Members of the Senate.

ARTICLE XIV. AMENDMENTS

SECTION 1. The Congress in joint session assembled, by a vote of three-fourths of all the Members of the Senate and of the House of Representatives voting separately, may propose amendments to this Constitution or call a convention for that purpose. Such amendments shall be valid as part of this Constitution when approved by a majority of the votes cast at an election at which the amendments are submitted to the people for their ratification.

SECTION 3. Whenever the words 'National Assembly' appear in the other parts of the Constitution and in the Ordinance appended thereto, the same shall be understood as referring to the 'Congress of the Philippines,' unless the context requires otherwise.

SECTION 4. The amendments proposed in this Article shall become effective upon the termination of the term of office of the Members of the National Assembly elected under the Constitution adopted on the eighth day of February, nineteen hundred and thirty-five, except the provisions which refer to the election and qualifications of Senators and the Members of the House of Representatives, which shall take effect immediately upon the final adoption and approval of this amendment in accordance with said Constitution but only for the purpose of permitting their election and qualification: Provided, That until the expiration of the term of office of the Members of the National Assembly as above stated, they shall continue to act and shall exercise all the powers and perform all the functions upon them conferred by the Constitution, including the power to enact legislation necessary to give effect to this amendment.

ARTICLE II

SECTION 1. To repeal section 4 of Article VII of the Constitution of the Philippines and to amend the first sentence of section 2, and the whole of sections 5 and 6, of said article by changing the tenure of office of the President and the Vice-President of the Philippines, so that the said first sentence of section 2 and the said sections 5 and 6, which shall hereafter be known as sections 4 and 5 of Article VII of the Constitution, shall read as follows:

SECTION 2. The President shall hold his office during a term of four years, and together with the Vice-President chosen for the same term, shall be elected by direct vote of the people. ***

SECTION 4. Elections for President and Vice-President shall be held once every four years on a date to be fixed by law.

The terms of the President and Vice-President shall end at noon on the thirtieth day of December following the expiration of four years after their election, and the terms of their successors shall begin from such time.

SECTION 5. No person shall serve as President for more than eight consecutive years. The period of such service shall be counted from the date he shall have commenced to act as President. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of the service of the incumbent for the full term for which he was elected.

SECTION 2. As a consequence of Section 1 hereof, to change the numeration of sections 7, 8, 9, 10, 11, and 12, of Article VII of the Constitution to sections 6, 7, 8, 9, 10, and 11, respectively.

SECTION 3. The repeal of section 4 of Article VII of the Constitution shall become effective upon the ratification of this Amendment by the people and its approval by the President of the United States. The other amendments herein proposed shall become effective upon

the termination of the term of office of the President and the Vice-President elected under the Constitution adopted on the eighth day of February, nineteen hundred and thirty-five: Provided, That the provisions of Section 5 of Article VII of the Constitution, as proposed to be amended in Section 1 hereof, shall apply to every incumbent of the office of the President of the Philippines since the establishment of the Commonwealth.

ARTICLE III

SECTION 1. To add an Article to the Constitution of the Philippines, to be designated as Article X, establishing an independent Commission on Elections, reading as follows:

ARTICLE X. COMMISSION ON ELECTIONS

SECTION 1. There shall be an independent Commission on Elections composed of a Chairman and two other Members to be appointed by the President with the consent of the Commission on Appointments, who shall hold office for a term of nine years and may not be reappointed. Of the Members of the Commission first appointed, one shall hold office nine years, another for six years, and the third for three years. The Chairman and the other Members of the Commission on Elections may be removed from office only by impeachment in the manner provided in this Constitution.

Until the Congress shall provide otherwise, the Chairman of the Commission shall receive an annual salary of twelve thousand pesos, and the other Members, ten thousand pesos each. Their salaries shall be neither increased nor diminished during their term of office.

SECTION 2. The Commission on Elections shall have exclusive charge of the enforcement and administration of all laws relative to the conduct of elections and shall exercise all other functions which may be conferred upon it by law. It shall decide, save those involving the right to vote, all administrative questions, affecting elections, including the determination of the number and location of polling places, and the appointment of election inspectors and of other election officials. All law enforcement agencies and instrumentalities of the Government, when so required by the Commission, shall act as its deputies for the purpose of insuring free, orderly, and honest elections. The decisions, orders, and rulings of the Commission shall be subject to review by the Supreme Court.

No pardon, parole, or suspension of sentence for the violation of any election law may be granted without the favorable recommendation of the Commission.

SECTION 3. The Chairman and Members of the Commission on Elections shall not, during their continuance in office, engage in the practice of any profession, or intervene, directly or indirectly, in the management or control of any private enterprise which in any way may be affected by the functions of their office; nor shall they, directly or indirectly, be financially interested in any contract with the Government or any subdivision or instrumentality thereof.

SECTION 4. The Commission on Elections shall submit to the President and the Congress, following each election, a report on the manner in which such election was conducted.

SECTION 2. As a consequence of the approval of the new Article as proposed in section one hereof, to change the numeration of Articles X, XI, XII, XIII, XIV, XV, XVI, and XVII of the constitution to Articles XI, XII, XIII, XIV, XV, XVI, XVII, and XVIII, respectively.

SECTION 3. If Article 1 of the Resolution is not ratified by the people, the reference in this article to the Congress or to the Commission on Appointments shall read the National Assembly and the Commission on Appointments of the National Assembly, respectively.

SECTION 4. The New Article of the Constitution as herein proposed shall take effect immediately upon its ratification by the people and its approval by the President of the United States.

Adopted, April 11, 1940.

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